

DICTATORSHIP
 AND
 DEMOCRACY



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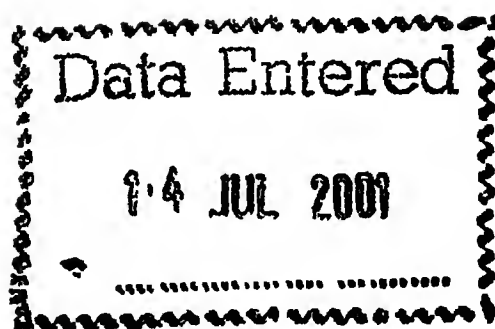
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OXFORD
AT THE CLARENDON PRESS

OXFORD UNIVERSITY PRESS
AMEN HOUSE, E C 4
London Edinburgh Glasgow New York
Toronto Melbourne Capetown Bombay
Calcutta Madras
HUMPHREY MILFORD
PUBLISHER TO THE UNIVERSITY



PREFACE

THIS little book will, I fear, by reason alike of its purpose and its execution, evoke the suspicion of the purist. Its purpose is frankly political. A politician, unhappily debarred from active participation in public affairs, I look out upon a world profoundly interesting but grievously disordered. An historian, I am tempted by the results of my observation, as well as by lifelong habit, to historical retrospect. But I am acutely conscious of the danger of historical parallels, and, except in a few obvious cases and in a most general way, I have refrained from drawing them. If parallels there are let the reader detect them.

So much generally. But in writing this book I have had in view a more specific object. I am profoundly impressed by the menace to international amity arising from English insularity, from our self-complacency, and from our inability to 'get inside the skins' of our neighbours. The most easy-going and tolerant people in the world, we appear to foreigners to be the most censorious. We are so entirely (and not unjustifiably!) satisfied that our own ways are the best—*for us*—that we sometimes neglect the limitation. Our innocent assumption of superiority—dare I say our unconscious priggishness?—is apt to give deep offence to foreigners.

It is one of the main objects of this book to warn my fellow countrymen against indulgence in a habit of which I am as guilty as any one. No Englishman has ever been more assured of the superior excellence of English Institutions than I, no man living has spent so much breath and spilt so much ink in the attempt to encourage others to share his own assurance! But since my studies have not been confined to English history, nor my personal observation to this island, I have, I trust, been permitted to apprehend the significance of the law of political relativity. Aristotle, ever at my elbow, has taught me that in the realm of government there is no 'absolute best',

but that the excellence of a Constitution depends on circumstances.

If this truth is not writ large over the pages that follow they will have been written in vain. They are addressed not to the learned but to the simple,—to the ordinary citizens of both sexes and all classes to whose hands are now committed the destinies of a great portion of the human race.

To the arrows of the specialist this book offers, I am conscious, a broad target. That is true, more particularly, of the earlier chapters dealing with matters about which I can myself claim no special knowledge. I am, however, consoled to find that Dr. Glover's *Ancient World*, published as these sheets go to press, substantially confirms the view I have taken in regard to Tyranny in Greece and to Roman Dictatorship. To emphasize this consolatory confirmation I have added a few references to Dr. Glover's admirable work.

Chapter VI (the Italian Republics) has caused me some misgivings: the subject lies outside the range of my special studies, and essential as the chapter seemed to the scheme of the book, I doubt whether I should have dared to include it, had it not enjoyed a careful revision at the hands of Professor Foligno. To that distinguished specialist I am deeply indebted for many invaluable suggestions, though it is needless to add that for the final form of the chapter I alone am responsible.

Footnotes I have tried to reduce to a minimum, but I trust that I have included in the Select Bibliography all the books to which I am consciously indebted. Numerous as they are, I am not aware that any of them have attacked the problem of Government from the angle selected in this book. That is the only excuse I can offer for its publication.

J. A. R. MARRIOTT

LONDON

7 June 1935

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I. PROLOGUE

DISILLUSIONMENT is the dominant note of the post-war world, and in no sphere of human activity has the disillusionment been more cruel and complete than in that of government. The War that was to make the world safe for Democracy has in fact opened the door to various forms of Dictatorship. The disappointment is the more acute since, throughout the nineteenth century, there was an ever-widening and deepening conviction that Democracy was the predestined form of government for all civilized nations. The political progress of mankind was indeed measured by its advance towards that goal. This belief was not universal. Misgivings were frequently expressed. There were those who, like Thomas Carlyle and Charles Kingsley, insisted that too much reliance was placed on forms of government, they derided the notion that Utopia would be attained if the parliamentary suffrage was sufficiently extended, if the wage-earner could but control 'one ten-thousandth part of a talker in the national palaver'. Others—not less responsible and reflective—recalled the warnings of the Greek philosophers. Plato had described Democracy as 'the worst of good Constitutions, but the best of bad ones'. Aristotle was less positive. He held that on the whole a moderate Democracy, inspired by respect for the rule of law, and jealous for the principles of true liberty and real equality, is the best form of government. But he was not blind to the dangers inherent therein. He emphasized the truth that it is much easier to establish a Democracy than to maintain it, and in Athenian Democracy he discerned three particularly dangerous tendencies. The first was its predatory inclinations. 'The demagogues of our own day often get property confiscated in the law courts in order to please the people, but those who have the welfare of the people at heart should counteract them'. A second danger was the increasing tendency to insist on payment for the performance of public duties,

the wherewithal to pay being obtained by a property tax and by the confiscation of the property of the 'notables'. A third was the growth of a class dependent on doles, 'for such help is like water poured into a leaky cask'. Closely parallel with the criticism of Aristotle's was the impeachment launched against Democracy towards the close of the nineteenth century by Mr. Lecky.¹

More general in its terms was Sir Henry Maine's indictment. Like Aristotle, he was impressed by the extreme *fragility* of Democracy. 'Nine men out of ten,' he wrote, 'some hoping, some fearing, look upon the popular government which, ever widening its basis has spread and is still spreading over the world, as destined to last for ever, or if it changes its form, to change it in one single direction.'² Such a confidence was not, in his judgement, warranted either by reference to history or by deductive philosophy. 'Since the century during which the Roman Emperors were at the mercy of the Praetorian soldiery there has been no such insecurity of government as the world has seen since rulers became delegates of the community.'³

Even more serious than the fragility of Popular Government was, in Maine's opinion, 'the marked antagonism between democratic opinion and scientific truth as applied to human societies'. Democracy, so far from being a guarantee of progress, is calculated to arrest it.

'It seems to me quite certain', he wrote, 'that, if for four centuries there had been a very widely extended franchise and a very large electoral body in this country, there would have been no reformation of religion, no change of dynasty, no toleration of Dissent, not even an accurate Calendar. The threshing machine, the power loom, the spinning jenny and possibly the steam engine would have been prohibited. Even in our own day vaccination is in the greatest danger, and we may say generally that the gradual establishment of the masses in power is of the blackest omen for all legislation founded on scientific opinion, which requires tension of mind to understand it and self-denial to submit to it'⁴

¹ *Democracy and Liberty* (1896)

³ *Ibid*, p 21

² *Popular Government*, p 5

⁴ *Ibid*, p 98

The half century which has elapsed since Maine published his *Popular Government* has witnessed discoveries and inventions not less revolutionary in their effect upon politics and society than those to which he referred. To that extent events have belied his forebodings. But one of the most recent and most thoughtful critics of Democracy has not hesitated substantially to endorse Maine's argument. It is true that Democracy has not availed to obstruct scientific progress and invention, but that is because democratic forces have weakened in their operation, because Democracy is to-day no more than a façade, behind which power is actually exercised not by the political puppets who are still permitted to parade as members of a legislature or the political heads of government departments, but by the expert officials to whose hands the actual work of administration is increasingly confided, and to the great industrialists and financiers who in the determination of national policy are far more influential than Ministers of State. Such is in effect the argument of Mr M A Pink's suggestive essay, *A Realist Looks at Democracy*¹. Nor does the impeachment of Democracy come exclusively from the partisans of the Right. Even more vociferous are the arguments directed against it from the Left. But this is a still more recent development.

The fact remains that, despite the prophets of woe, there was throughout the nineteenth century a general, if not universal, belief that the onward march of Democracy, regrettable or the reverse, was irresistible. Alexis de Tocqueville, one of the greatest of political philosophers, went further. 'Voulour arrêter la démocratie paraîtrait alors lutter contre Dieu même, et il ne resterait aux nations qu'à s'accomoder à l'état Social que leur impose la Providence.' Thus de Tocqueville wrote just a century ago². His admiration for Democracy was not, indeed, unqualified. As Edmund Burke, in his *Reflections on the French Revolution*, was thinking primarily of England, so de Tocqueville,

¹ Benn, 1930

² *La Démocratie en Amérique*, vols 1 and II (1835), p 8, ed 1868

in commenting on American Democracy, had constantly in mind the political conditions that prevailed in France. His most ardent desire was that France should follow in the footsteps of England, that the Orleanists, brought to the throne by the Revolution of 1830, might, like the Hanoverians in England, initiate a Parliamentary Democracy under the aegis of a Constitutional Monarchy. If they failed to do so, France, he predicted, would once more fall under the heel of a dictator.

'I confess that I put no trust in the spirit of freedom which appears to animate my contemporaries. I see well enough that the nations of this age are turbulent, but I do not clearly perceive that they are liberal, and I fear that at the close of those perturbations, which rock the base of thrones, the domination of sovereignty may prove more powerful than it ever was before.'¹

De Tocqueville's prescience was not at fault. Within seventeen years Louis Napoleon had carried out his *coup d'état*. The Napoleonic Empire was re-established in France.

'Governments', commented de Tocqueville in 1852, 'never escape the law of their origin. This government which comes by the army, which can only last by the army . . . will be fatally impelled to seek for aggrandisement of territory and for exclusive influence abroad, in other words to war. . . . War would assuredly be its death, but its death would perhaps cost dear. . . .'

The events of 1870 fulfilled that prediction. The Second Empire perished at Sedan.

De Tocqueville was a Liberal of the Liberals. Some of the tendencies of Democracy he mistrusted, but he could see no tolerable alternative to its establishment. W. E. Forster was in a like position in England. Addressing, as Lord Rector, the students of Aberdeen in 1876 he said: 'There is no use mincing the matter: unless the world goes back Democracy must go forward. The will of the people must more and more prevail. We cannot prevent numbers ruling. We can only persuade them to rule well.'

¹ E. T. (Reeve), 1 377

To one who looked back from the standpoint of 1876 upon the history of the last hundred years this confident belief in the triumph of democratic principles was natural. To that belief many things had contributed. The successful revolt of the British colonies in North America was the first of a series of deeply significant events. Justified by an appeal to philosophy, to the abstract rights of man as proclaimed by Rousseau, the American Revolution was quickly followed by the Revolution in France. That movement also was based upon Rousseau's doctrine of rights, though it repudiated the Socialistic theories deduced therefrom. But the primary significance of the French Revolution consisted in the shattering blow it dealt to the principle of autocracy, so far, at least, as autocracy was based upon the Divine Right of hereditary monarchy.

The democratic movement in England owed little to the dictates of philosophy, it was largely due to considerations of political expediency, and even more to the recognition of economic changes too palpable to be ignored. It resulted, moreover, in the evolution of a governmental type without precedent or parallel in the history of mankind. Parliamentary Democracy is based, and depends for its success, upon three presuppositions: an Electorate coextensive with the politically qualified citizens, a Legislative body representative of the Electorate, and an Executive Committee responsible to the Legislature. The last, its most distinctive feature, gradually emerged in the eighteenth century, and attained to maturity in the nineteenth. The transference of executive power from the Sovereign to a Parliamentary Cabinet was indeed a natural consequence of the triumph of principles proclaimed in 1641 by John Pym and practically asserted in the Revolution of 1688. But 'personal monarchy' survived until 1714 and the evolution of the Cabinet system might have been indefinitely delayed but for the fact that George I had no English, and found an exceptionally capable minister in Sir Robert Walpole.

The Legislature and the Electorate were remodelled

only in the nineteenth century.' The first instalment of parliamentary reform was due partly to the teaching of the utilitarian philosophers, partly to the radical propaganda initiated by Francis Place, partly to the Communistic teaching of Robert Owen, and partly to the shocks administered to the principle of autocracy by the revolt of the American Colonies, and by the revolutions of 1789 and 1830 in France. But with the Whig Ministry of Lord Grey, and with the Parliaments of 1830-2 all these things combined were as dust in the balance compared with the obtrusive facts of the Industrial and Agrarian Revolutions, and the economic distress so prevalent after Waterloo. An electoral system which was reasonably representative of Tudor and Stuart England was reduced to an absurdity by the growth of population and its shifting from the south to the north of the Trent, by the development of the factory system, and the rapid growth of manufacturing towns. It was no appeal to the abstract rights of man which persuaded an oligarchical Parliament to open the floodgates of Democracy; it was a recognition of the anomaly which gave representation to Old Sarum and Grampound and denied it to Manchester and Birmingham; an apprehension, quickened by the riots in the great towns, of the consequences which might follow upon a blank refusal to make any concession to the demands of the Chartists.

The Act of 1832 was followed by further instalments of parliamentary reform in 1867, 1884-5, 1918, and 1928. Nor was the process of democratization confined to central government. By the Municipal Reform Act of 1834, and by measures passed in 1888, 1894, and 1899 for the establishment of elected councils in counties, districts, and parishes, and in the boroughs of the metropolis, the same principle was extended to local affairs.

Moreover, the principles of representative government adopted in the motherland were, in the course of the nineteenth century, extended to the more important British colonies oversea—again by cautious instalments. The

progress in wealth and power made during that period by Great Britain and her World-Empire was phenomenal. It was a spectacle well calculated to excite the admiration and envy of the world. To what causes was it to be ascribed? To the geographical position of England? That position had not greatly altered since the end of the fifteenth century. To certain qualities in the national character? Why had they not been disclosed till recently? Was it due to the fact that Great Britain was the first to take advantage of the inventions which revolutionized the manufacture of textiles, iron, and steel, to the financial genius of her sons—mainly sons by adoption—and to her favourable position as regards foreign trade? Or did the secret lie in her fiscal policy, in the adoption of the principle of free imports? Or, finally, was her amazing success attributable to the peculiarity of her Political Institutions, to the evolution of Parliamentary Democracy?

By the excellence of those institutions the progressive nations of the world were beyond question deeply impressed. They took on all sides to copying them. 'Let not England forget her precedence of teaching others how to live.' Such was the adjuration addressed to his contemporaries by John Milton. If England had forgotten it, her neighbours had not. Of the many constitutional experiments tried in the course of the century by France those initiated in 1830 and 1875 followed as closely as contrasted circumstances would permit the English model. The Spanish Constitution of 1876 was avowedly copied from our own. Belgium and Greece had simultaneously attained to an independent national existence (1830) under the aegis of Great Britain, it was only natural, therefore, that they should have looked to her for a constitutional pattern. Belgium, despite ecclesiastical domination and racial divisions, has worked her 'English' Constitution with a considerable measure of success. In Greece it was from the first a conspicuous failure.

But of all continental countries Italy, thanks largely to the influence of Cavour, was the most eager to follow in

the constitutional footsteps of Great Britain. The results of the experiment will be examined in a later chapter.

Summarily it may be said that the attempts at imitation have been more flattering to England than satisfactory to the copyists.

Nor is the explanation far to seek: the maxims of political science are not absolute but relative; there is no 'best' or 'ideal' form of government; the best form is that which is best adapted to the particular circumstances of a given State at a particular stage of its political development. Aristotle shrewdly observed that 'political writers, although they have excellent ideas, are often unpractical'. He accordingly insisted that the 'true legislator and statesman ought to be acquainted, not only with that form of government which is best in the abstract, but also that which is best relatively to circumstances. . . . There is certainly more than one form of democracy and of oligarchy; nor are the same laws equally suited to all'.¹ This important truth has been to a great extent ignored both by constitution-builders and by critics—not least by contemporary critics in this country. Attention to the wise precepts of Aristotle would help to mitigate the censure levelled by English politicians and commentators against the constitutional experiments of their neighbours. A tendency to censoriousness is one of the least amiable characteristics of Englishmen and accounts for their unpopularity with foreigners, and censoriousness is largely due to ignorance. The critics forget that all nations are not of the same age. Political habiliments appropriate to an adult are wholly unsuited to babes in arms. But trousers are not intrinsically superior to swaddling clothes. Democracy is not necessarily a better form of government than Dictatorship—Oligarchy than Monarchy. Superiority or inferiority is determined by circumstances.

To suppose that a Fascist dictatorship would be suitable to English conditions is not less absurd than to imagine that the Greeks, having been suddenly emancipated, after

¹ *Politics*, iv. 1.

centuries of subjection, from the domination of the Ottoman Empire were likely to make a success of Constitutional Monarchy. Constitutions are not exportable commodities

Of all forms of government Constitutional Monarchy is indeed the most difficult. The machinery by which it is worked is the most delicate, demanding in the operations the greatest experience and the highest technical skill. Parliamentary Democracy rests, in the country of origin, upon innumerable conventions which cannot easily be reduced to written laws. It demands for its success certain qualifications in the rulers and in the ruled. It demands above all prolonged apprenticeship in the art of self-government. The local courts of the Shire, the Hundred, and the Township were the training-grounds for the knights and burgesses who in the thirteenth century were summoned to make their grants to the Crown in a central representative assembly. Parliament had been in continuous existence for four centuries, doing the work of legislation and taxation, before it was entrusted with the control of a responsible executive. Even to British colonies inhabited by men who carried with them to their new homes the traditions of self-government, full 'Responsibility' was conceded only by instalments.

To suppose that Parliamentary Democracy is a form of polity to be suddenly conferred upon or adopted by peoples who have not submitted to the discipline of a prolonged apprenticeship seems, then, in the highest degree, fantastic. The break-down of premature experiments in Greece, in Italy, and elsewhere should, accordingly, excite no surprise, still less contempt. Impatient critics will, indeed, be reminded, in a subsequent chapter of this work, that even in England a premature attempt to make Parliament the direct instrument of government was attended with lamentable results. The Tudor 'dictatorship' was necessitated by the failure of the Lancastrian 'experiment'.¹ Only after

¹ I am not unaware that the use of these terms has been criticized, but I venture to adhere to them.

a century of discipline, after the reform of local government and the training of the country gentlemen in the local administration of parishes and shires, were the squires and merchants and lawyers of the Long Parliament ready to take upon their shoulders the heavy responsibility of self-government.

Reflection upon these facts should make Englishmen more restrained in criticism of contemporary experiments in government, and more cautious in applying either to foreigners, or to subject peoples, political maxims learnt in a domestic school.

But if caution be at all times and on these general grounds desirable, it is imperatively indicated at the present moment, when Parliamentary Democracy is, in its original home, the object of animadversion, severe and persistent. Detailed consideration of such criticisms must be deferred. It must suffice for the moment to observe that the assault comes from many quarters. Some philosophic observers are, as already indicated, apprehensive lest adult suffrage should prove destructive to liberty and an impediment to scientific progress. Left-wing critics complain that political machinery has not been adapted to meet the economic conditions of a new world. A system admirably adapted to the era of *laissez-faire* is, they contend, hopelessly unsuitable to the new economic order. Political equality is a mere mockery unless it finds a counterpart in economic equality. Industrial 'feudalism' is incompatible with Political Democracy. The enfranchised citizen revolts against 'wage-slavery'. Social and economic emancipation must follow upon political emancipation. Parliamentary procedure, if not the whole basis of parliamentary representation, imperatively calls for readjustment and reform. 'Parliamentary institutions are on their trial. There was a time when a free Parliament was the hope of democracy. To-day that hope is corroded with doubt . . . there is a growing conviction in the mind of the people that there is something wrong with Parliament.' Such was a characteristic outburst from Mr. Lloyd

George¹ More detached observers have reached a similar conclusion by a different route

Enunciated with comparative restraint in England, these doctrines have led in other countries to the complete overthrow of parliamentary institutions. These manifestations of impatience with Democracy will demand detailed consideration in subsequent chapters of this book.

Meanwhile, in order to bring into bolder relief the political mutations and reactions in the modern world a brief review must be attempted of similar movements in representative States of the ancient world Chapters II and III will accordingly be devoted to the alternations of Dictatorship and Democracy in ancient Greece, Chapters IV and V to Dictatorship in the Roman Republic

For the purpose of the present work the Middle Ages may be lightly noticed The period intervening between the fifth century and the fifteenth contributed little of value to political theory

More attention must, however, be given to the evolution of Parliamentary Democracy in England, and to the Tudor and Cromwellian Dictatorships If those Dictatorships temporarily interrupted the evolution of Constitutional Monarchy, they ultimately strengthened its fundamental principles, and contributed largely to the triumph they achieved, alike in Great Britain and in the newer Britains beyond the seas

The seeds of Parliamentary Democracy are deeply rooted in their native soil The fruits they have produced in alien soils have thus far proved untimely. Whether prolonged cultivation and repeated experiments will lead to better results, by and by, only the future can tell Meanwhile the United States of America have offered to the world an alternative model, Italian Fascism with its Corporative State offers a second, the Russian Union of Soviet Republics a third

The main purpose of the book is, however, expository rather than critical, less to lament the falling away of our

¹ 18 March 1930

neighbours from grace as understood in England, than to explain the causes which have produced such widely divergent results in different countries. The operation of political forces is not uniform. Even the spirit of liberty may manifest itself in a variety of ways. Equality does not necessarily depend on the exercise of the parliamentary franchise. Edmund Burke adjured us to try to understand our own Constitution 'according to our measure; and to venerate where we are not able presently to comprehend'. Perfect comprehension is not easy even for Englishmen; for foreigners it is exceedingly difficult. Still more difficult is the efficient working of a machine characteristically and peculiarly English. Failures may excite pity; but contempt is grotesquely misplaced.

II. ANCIENT GREECE

Tyranny and Democracy

RECENT events have renewed the zest in political speculation. Debating societies and schoolboy essayists again discuss, 'What is the best form of government'. Before the World War that was a closed subject. All roads seemed to be leading, some directly, others circuitously, towards a democratic goal. The question as to forms of government is now reopened, and the reopening sends us back, of necessity, to Ancient Greece.

Political theory begins with the Greeks. Greece also presents to the student of politics an infinite variety of political experiments, and the contracted scale on which they were tried, without diminishing their value as examples, renders analysis easier and deductions more simple, and perhaps more precise.

In Greece was to be found the most perfect type of Direct Democracy, as well as the most interesting examples of Dictatorship. Terms must, at the outset, be carefully defined. 'Tyranny' has now acquired a connotation wholly evil. In its earliest application it carried no stigma; even later it was an ambiguous term. A man might be a bad tyrant or a good. All that the word implied was that the individual so styled was not a 'legitimate' or hereditary monarch, but had attained to power by irregular methods. Aristotle had no love for 'tyranny', and attached to that form of government a measure of moral, not less than political, obliquity. He put tyrannies in the category of 'perverted' (*παρεκβάσεις*), as opposed to normal (*ὀρθαί*) constitutions. The difference between the normal and the perverted he discovered in concern for the good of the community. The one, the few, the many, might rule in

¹ The word 'Tyrant', it is surmized, came from Lydia. In Greek 'it came to mean a usurper who has made himself master of the City, and remodelled the laws and rules to please himself' Glover *The Ancient World*, p. 56

their own selfish interests, or with a single eye to the well-being of the governed. As 'Oligarchy' was the perversion of Aristocracy, and Democracy of 'Polity', so Tyranny was the perversion of Monarchy—a Tyrant was an individual ruler governing in his own selfish interests. But Aristotle's definition was imperfectly supported by the facts of history.

To the term *Democracy* there attaches even more ambiguity. The modern world has for the most part accepted Abraham Lincoln's definition: 'the government of the people by the people for the people'. But Mazzini, whose democratic sympathies were at least as fervent as Lincoln's, added a qualification. To him Democracy meant 'the progress of all, through all, under the leading of the best and wisest'. His words recall the most famous speech of Pericles.

'It is true that we are called a Democracy, for the administration is in the hands of the many and not of the few. But . . . *the claim of excellence is also recognized*; and when a citizen is in any way distinguished, he is preferred to the public service not as a privilege, but as a reward of merit.'

Some modern writers have denied that Athens is accurately described as a Democracy. 'Athènes n'était point en effet une démocratie, mais une aristocratie très tyrannique, gouvernée par des savants et des orateurs.' Thus Rousseau, himself the native of a City-State. Bentham and de Tocqueville were similarly critical of the genuineness of Athenian Democracy. 'What is curious', wrote Bentham, 'is that the same persons who tell you that Democracy is a form of government under which the supreme power is vested in all the members of a State, will also tell you that the Athenian Commonwealth was a Democracy.' 'Athens', wrote de Tocqueville, 'with her universal suffrage was merely an aristocratic republic.' Grote, the most ardent of philosophical radicals, knew no such misgivings. Had he entertained them his *History of Greece* would never, we may believe, have been written, since it is a prolonged panegyric upon the virtues of Democracy. Freeman's enthusiasm for 'the Great Democracy of Athens' (*Federal*

Government, p 68) is as unrestrained as Grote's Lord Bryce wrote with hardly less warmth, though with more restraint, of 'those experiments in the government of the people by the people which the Greeks were the first to try'.¹

In any case Democracy, as Aristotle² and Polybius warn us, was the latest stage in the evolution of the Athenian Constitution—a Constitution which like that of England 'was not made but grew'. 'The Democracy', so Aristotle concludes his rapid sketch, 'has made itself master of everything and administers everything through its votes in the Assembly and by the law courts, in which it holds the supreme power. Even the jurisdiction of the Council has passed into the hands of the people at large'³

Thus Athens was in turn ruled by a king, an aristocracy, and by the whole body of citizens. Upon this orderly progression, 'Tyranny' was an irregular intrusion.

Of the kings of the heroic age we have a vivid picture in the *Iliad* and the *Odyssey*. The Homeric king was a descendant from the gods. The Hebrews got a king through the intervention of Jehovah. 'The Lord said to Samuel, Harken unto their voice, and make them a king. And when Samuel saw Saul, the Lord said unto him, Behold the man whom I spake to thee of! this same shall rule over my people.' But Samuel never pretended to the people that Saul, if nominated to the throne by Jehovah, was actually akin to Him. It was otherwise among the Greeks. 'The mortal king on earth is the living image of the immortal King on Olympus. He is at once his child and his representation among men. The Homeric king is Zeus-born and Zeus-nourished, he comes of the divine stock and he rules by the divine commission'⁴

The king was the leader of the host in war, High Priest, sole lawgiver, and supreme judge. He must needs excel his

¹ *Modern Democracies*, 1 20, and see chap xvi *passim*

² The *Ἀθηναίων πολιτεία* was first published under the editorship of Sir F G Kenyon in 1891. For the latest edition see *The Works of Aristotle translated into English*, vol x (Clarendon Press, 1920)

³ *The Athenian Constitution*, § 41

⁴ Freeman, *Comparative Politics*, p 145

subjects in stature and in wisdom, in physical prowess, in courage, and in brain. Nevertheless his authority was not unlimited. What Tacitus said of the Teutonic *Dux* was true of the Homeric king: *Nec regibus infinita aut libera potestas*. He had to convince by superior argument the elders of the Council, and by his commanding eloquence to commend his policy to the whole body of free men assembled in the Agora—to the host in arms. The *Principes* and the *Civitas* (or *Omnes*) of Tacitus are the counterpart of the *elders* and the *host* in Homer.

But Monarchy in Greece could not long survive the development of the City-State. Close proximity destroys that sense of awe and mystery which are in a measure essential to Monarchy. The ostentatious affability and accessibility of Louis Philippe gave the *coup de grâce* to the monarchy of the Bourbons. Prince Hal can afford to jest with a Falstaff; Henry V is constrained to repudiate his acquaintance.

Monarchy in Greece gave way to Aristocracy, the rule of the king to that of the nobles. But as the nobles admitted to their ranks wealthy men of inferior birth, Aristocracy tended to degenerate into Oligarchy. And Oligarchy brought great social evils in its train. Under the existing law of debt the free peasantry were rapidly becoming the serfs, if not the slaves, of the wealthy landowners. Athens evidently called for a Saviour of Society.

The Saviour appeared in the person of Solon who in 594) was elected Archon and invested with dictatorial powers. Himself a Eupatrid of the highest birth he stood forth as the champion of the poor and the oppressed.

And many a man whom fraud or law had sold
Far from his god-bult land, an outcast slave,
I brought again to Athens yea and some
Exiles from home through debt's oppressive load,
Speaking no more the dear Athenian tongue,
But wandering far and wide, I brought again,
And those that here in vilest slavery
Crouched near a master's frown, I set them free,

Thus might and right were yoked in harmony
 Since by the force of law I won my ends
 And kept my promise ¹

Solon's claim was not extravagant. The economic situation confronting him was critical. The poverty-stricken tenant, threatened with eviction by a harsh landlord, pledged his own body and those of his children as a security for the arrears of rent. If he failed to redeem the pledge his wife, his children, and he himself might, under the existing law, be sold into slavery. To this crying scandal Solon applied a drastic remedy. He made these 'flesh and blood contracts' for all time illegal, and by the *seisachthera* ('shaking off of burdens') he cancelled all existing debts public and private. Whether this end was attained by a depreciation of the coinage (as some authorities have asserted) or by more direct methods, is uncertain. Certain it is that the economic life of Athens made an entirely new start, and that Solon's policy was so successful that he was entrusted (perhaps some years later) with the task of remodelling the Constitution of the State. Aristotle's approval of Solon's reforms is characteristically guarded. 'He is thought by some to have been a good legislator' in that he put an end to the exclusiveness of the oligarchy, emancipated the people, established the ancient Athenian Democracy, and harmonized the different elements of the State'. There is, however, no question that in the fourth century Solon came to be more and more regarded as the founder of the Athenian Democracy, notwithstanding the fact that Cleisthenes had, meanwhile, substituted a local, in place of a genetic (blood) tie as the basis of the democratic franchise.

Between the time of Solon and that of Cleisthenes there intervened the rule of the Pisistratid 'tyrants' at Athens.

Modern critics forbid us to speak, as Grote did, of the 'Age of Despots'. Yet the fact remains that during the period 650-500 B.C., there were few Greek cities in Asia Minor, in the islands, or on the mainland, where Tyrannies or Dictatorships were not temporarily established.

¹ Quoted *ap* Aristotle's *Constitution of Athens*, 12

'As Hellas grew more powerful and the acquisition of wealth more and more rapid, the revenues of the new cities increased and in most of them Tyrannies were established, they had hitherto been ruled by hereditary kings, having fixed prerogatives'¹ Such is the testimony of Thucydides who attributed the slow progress recorded in Hellas at this period partly to the advancing power of Persia, but partly to the selfish aim and overcautious policy of these dictators

'The tyrants of Hellas did not extend their thoughts beyond their own interest, that is the security of their persons and the aggrandisement of themselves and their families. They were extremely cautious in the administration of their government and nothing considerable was ever effected by them; they only fought their neighbours, as in Sicily, when their power attained the greatest height . . . at length the tyrants of Athens and of the rest of Hellas (which had been under their dominion long before Athens) . . . were put down by the Lacedemonians, who obtained good laws at an earlier period than any other and have never been subject to tyrants.'²

For these Tyrannies Aristotle has hardly a good word 'Compounded of two perverted Constitutions—extreme Oligarchy and extreme Democracy, combining the vices and extravagances of both, based on no principle either of justice or expediency, hardly to be called a Constitution,' Tyranny was a form of government 'unendurable for men'. Consequently it was always short-lived.

'There are', he said, 'two chief motives which induce men to attack tyrannies—hatred and contempt . . . Thus we see that most of those who have acquired power have retained it, but those who have inherited it have lost it almost at once, for living in luxurious ease they become contemptible, and offer many opportunities to their assailants'³

One of the most discerning of Aristotelian commentators puts the point thus:

'Just as a true Commonwealth, or *Politeia*, contained all the elements of the State mingled in due subordination, so Tyranny

¹ Thucydides (Jowett's trans.), 1 33

² *Ibid.* 1. 17-18

³ *Politics*, v 8-12, iv 8-11

mingled the worst qualities of the worst forms of Government—selfishness beyond that of the narrowest oligarchy, license beyond that of the loosest democracy.’¹

Aristotle’s condemnation was too sweeping. There were bad tyrants and good. Some tyrants were men not merely of outstanding ability but of ‘exemplary character’. Such a one was Pittacus, ‘one of the seven wise men’ of Greece, who was elected Dictator (or Aesymnetes) by the popular party in Lesbian Mytilene, and having held office for ten years (589–579), voluntarily laid it down when his task, the restoration of order, was accomplished. Another tyrant of the same type was Cleisthenes of Sicyon, where the tyranny lasted longer (*circa* 676–560) than in any other State in Hellas

Corinth also reached the zenith of its prosperity under a Tyranny, that of the Cypselid dynasty which lasted for seventy-four years (655–581). The Cypselids pursued a vigorous colonial and commercial policy, reducing Corcyra to obedience and planting new colonies in north-western Greece. Periander (*ob* 589), the son of Cypselis, reigned for forty-four years. He was not merely a great soldier, but gave great encouragement to poetry, art, and architecture, while commerce flourished as never before.

To the popularity and success of the Pisistratidae at Athens Thucydides himself bears testimony.

‘No tyrants’, he writes, ‘ever displayed greater merit or capacity than these. Although the tax on the produce of the soil amounted only to 5 per cent they improved and adorned the city, and carried on successful wars, they were also in the habit of sacrificing in the temples. The city meanwhile was permitted to retain her own laws, but the family of Pisistratus took care that one of their own number should always be in office.’

Having won great renown by the conquest of Nisaea and the annexation of Salamis, Pisistratus made himself tyrant of Athens in 560. His reign lasted (not without protracted interruptions) until 527 and marked the real beginning of

¹ Lang *Essays on the Politics*, p. 26

Athenian greatness He preserved in its essential features the constitution of Solon; he devoted much thought to the improvement of agriculture and to the adornment of the city, thus providing employment, and promoting the prosperity of the people; he was a patron of the drama, of art, and of literature, and to him we probably owe the first complete edition of the Homeric poems. He also amassed a fine library, which he threw open to the public.

His foreign policy was not less far-sighted than his domestic administration, and not less successful. Maintaining, as far as possible, friendly relations with his Hellenic neighbours, he laid the foundations of the overseas Empire of Athens. Thanks to his enterprise Athens established a footing on both shores of the Hellespont and acquired the Thracian Chersonese. For his personal protection he relied on a body of foreign mercenary soldiers, thus illustrating Aristotle's contrast: 'The guards of a King are citizens, of a tyrant mercenaries.'

The Pisistradid dynasty was continued by the two sons of its founder until 510, but under them 'the tyranny became increasingly oppressive, with the result that the traditions of the tyrants sank deep', adds Thucydides, 'into the minds of the Athenian people'. That is true. Yet as a modern critic has said:

'The tyrants made a real contribution to progress. They often restored order to disordered states for a while, and broke the power of the old families, as the Tudor Kings did in England. . . They emphasized Pan-Hellenic religion, perhaps as a counter-attack on the exclusive rights of the noble families, but it was also, in its way, a means of grace.'¹

Very different is the tone of the Victorian critics. 'Odious' is the only epithet deemed appropriate, in the hey-day of English Liberalism to Greek 'Despotism'. Tyranny was to the prophets of that day synonymous

¹ Glover, *Democracy in the Ancient World*, p. 45. Cf. the same author's *Ancient World* where he quotes approvingly the 'modern' verdict that 'Pisistratus was extraordinarily enlightened and successful'—'the greatest statesman that Athens ever produced' (p. 56).

with iniquity. No matter what the point of political development reached by a particular State, Despotism must necessarily mark a 'deplorable reaction' Positive philosophy has in the sphere of Politics established scientific canons of criticism We see things in better perspective; we can apply the lesson first taught by Aristotle, but strangely ignored by his disciples, that the conclusions of political science are not absolute but relative. Viewed thus, the rule of Tyrants was not necessarily reactionary. Some Dictators have been brutal tyrants, but others have been pedagogues leading men towards the perfect law of liberty, applying to nations, at the appropriate stage in their political development, that discipline which is an essential preliminary to the right use of freedom

III. ATHENIAN DEMOCRACY

AGAINST the generalizations of Aristotle and Plato we are, by habit, on our guard. 'They only knew the City State', as a modern critic has observed, 'in its decline, and their view of it is coloured by their own personal ideas and doctrines.'¹ We should, however, be equally cautious in accepting the testimony of contemporary historians. Herodotus was, 'in his way, veracious: his eyes were open, he saw things worth seeing, and he can tell us what he saw; but he was in no sense a scientific historian.' Of Thucydides it has been justly said: 'His history is a handbook of political theory in disguise.'² Perhaps it is none the worse for that; but recognition of the truth has indicated the need for checking his story by the rapidly accumulating evidence unearthed by archaeologists. That, however, is the task of the specialist and is not essential to the argument of this chapter.

Solon did a great work, but the real founder of Athenian Democracy was Cleisthenes. 'He took into partnership the people who had previously been excluded from everything.'³ Such is the characteristically pregnant epitome of the work of Cleisthenes given by Herodotus. The grandson, on his mother's side, of the tyrant of Sicyon, Cleisthenes was himself a great noble, the head of the Alcmaeonid clan. But though by birth an aristocrat Cleisthenes was the architect of Athenian Democracy.

The basis of the Cleisthenic reform was a radical reorganization of the demes—the substitution of a territorial for the aristocratic principle in government. A complicated operation can best, perhaps, be understood by a recent parallel. The purpose of the first French Revolution (1789) was to eradicate the last traces of the old feudal régime, to complete the political unification of France, and to remove any temptation to federalize France on the basis

¹ Zimmern, *The Greek Commonwealth*, p. 6

² Livingstone, *Greek Genius*, p. 214

³ Herodotus, v. 66

of the old historic Provinces. The local *Parlements* and all the other appurtenances of Provincial Government were accordingly swept away and France was redivided into eighty-three artificial Departments. On this basis was the first French Republic established.

In like manner Cleisthenes, not less radical in his aims than the leaders of the Constituent Assembly, struck at the root of a political system based on distinctions of blood. The clan organization (*Phylai*) had been retained by Solon. Cleisthenes substituted locality for consanguinity as the basis of his electoral system. He abolished the four Ionic tribes and substituted for them ten new Attic 'tribes', artificially created constituencies. There was a further refinement or safeguard. Each new 'tribe' was divided into three territorial units (*trittyes*) and each unit was situated in one of the three regions into which the whole of Attica naturally divided itself. Thus did Cleisthenes guard against a possible recrudescence of the old political rivalries. The device was entirely successful. 'By these reforms', adds Aristotle, 'the constitution became much more democratic than that of Solon'.¹ For the first time Attica was politically unified.

In Central Government the main features of Solon's Constitution—the popular *Ecclesia*, the *Boule* or Council, the annual election of magistrates and their responsibility to the *Ecclesia*—were preserved. But the old forms were infused with a new spirit. The new tribal system facilitated a wide extension of the suffrage or rather of the ranks of direct participants in government, the *Boule* was enlarged to five hundred, fifty being selected by lot from each of the ten tribes, the military system was reorganized, each tribe being required to furnish one regiment, commanded by a tribal general (*strategos*). Sovereignty was vested in the whole body of free citizens assembled in the *Ecclesia*, but the pivot of the administrative machine was the *Boule* (Council). For membership of the Council all citizens over thirty years of age were made eligible: they held office for

¹ *Constitution of Athens*, chaps. xxi and xxii.

one year, and might be re-elected, but only for one further term. In this way a large proportion of citizens in turns 'held office'.

Cleisthenes has also been credited, though on doubtful authority, with the introduction of the device known as *Ostracism*.

The temptation to ascribe to one popular lawgiver reforms extending over a long period and effected by others must not be ignored. Yet there remains to the authentic credit of Cleisthenes quite enough to entitle him to a foremost place among the statesmen who built up the Athenian Democracy. Nor can it be doubtful that he infused into the Athenian people a new spirit which, throughout the fifth century, manifested itself in many diverse directions. Herodotus was not at fault in his analysis:

'Thus did the Athenians grow in strength. And we may find proof not merely in this instance but everywhere else how valuable a thing freedom is. since even the Athenians, while under a despot, were not superior in war to any of their surrounding neighbours, but as soon as they got rid of their despots, became by far the first of all. These things show that while kept down by one man they were slack and timid, like men working for a master; but when they were liberated, every single man became eager in exertions for his own benefit.'

Dates suffice to substantiate the contention of Herodotus. Between the accession of Cleisthenes to power (510) and that of Pericles (562) there was an interval of half a century—memorable in the history of Athens and of the world. Marathon was fought and won in 490. At Marathon (as at Salamis and Plataea) Aeschylus fought. His *Agamemnon* was produced soon after Pericles came into power (458). At Salamis on the day of the battle (480) Euripides was born. Sophocles was thirty years younger than Aeschylus, fifteen years older than Euripides. Pheidias was born in the year of Marathon. The Parthenon, begun in 447, was completed in 433. Plainly a common impulse

to activity was at work, beyond all doubt the spirit of man had been remarkably revived.

Great-nephew of Cleisthenes, it is not from him but from Solon that Pericles traced his political ancestry. Pericles, like Pheidias, was born in the year of Marathon and came into power about 460 B.C. From then until his death in 429 his ascendancy in the public life of Athens was almost unbroken and rarely challenged.

That Pericles was a strong Athenian imperialist is the commonplace of historical criticism; that he was also an enthusiast for Pan-Hellenic unity is less generally recognized. About the year 461 Pericles invited all the States of Hellas to a Pan-Hellenic Congress at Athens to consult on certain matters of common interest to the whole body of Hellenes. One was the rebuilding of the temples destroyed in the Persian Wars, another was the policing of the seas which were to be made safe for Hellenic ships and Hellenic trade. The invitation was declined—mainly through the jealousy of Sparta. Had it been accepted, it might have formed the starting-point for a policy which would not only have averted the doom of Athens, but have saved Greece from the domination of Macedon. But the patriotism of the Hellenes was too contracted to admit the vision that floated before the eyes of the great Athenian statesman. Devotion to a city a Greek could understand. to the larger conception he could not rise. Rather than admit the hegemony of Athens, he would sacrifice the independence of Greece. Macedon and Rome reaped the benefit of his obtuseness.

Foiled in one direction Pericles turned towards another. If he could not create an Hellenic Empire, he could at least confirm the Imperial ascendancy of Athens. The Confederacy of Delos might be converted into an Athenian Empire. For the first steps towards that end there was a specious reason. Delos, the seat of the federal Treasury, was obviously exposed to Persian attack. The Treasury would be far safer at Athens, and to Athens it was transferred in 454. Three years later Pericles introduced his

most revolutionary reform—the payment of the Athenian citizens for the performance of their public services. Whence came the means for the payment of these emoluments? To that question we must return. If the Greeks at large would not help in rebuilding the temples on the Acropolis, the Athenians must shoulder that burden of pious duty by themselves. The Parthenon was begun in 447 and finished—an amazing feat—within fifteen years. Before the Parthenon with its great statue of Athena was finished the Propylaea was begun (437).

No one, least of all an Englishman, can climb the Acropolis and look upon its temples, so suggestive, even in ruin, of symmetry, still so dazzling in beauty, without profound emotion. Those splendid ruins bear witness to the devoted labour of a free people, to the ideals, but half realized, of a great statesman, to the genius of the greatest sculptor-architect ever born into the world. Perfect was the friendship between Pericles and Pheidias: uniquely fruitful was their partnership. With incomparable fidelity and skill Pheidias and his craftsmen embodied in marble the ideals of Pericles. 'So there the works arose, no less towering in their grandeur than inimitable in the grace of their outlines, since the craftsmen strove eagerly to surpass themselves in the beauty of their craftsmanship.'¹ We can still picture those monuments as they must have looked to Plutarch, some five centuries after they were wrought; and looking on them to-day we can enter into the spirit of the statesman, as we can appreciate the skill of the artist. Those ruins represent more than the perfection of art, they are the outward manifestation of a people's patriotism and pride; of their spiritual and political exaltation, of the meaning they attached to equality and liberty.

Yet ruins they are. Had the larger ideal of Pericles not been obstructed by the small jealousies of the City-States of Hellas they might not be ruins, but still stand in their integrity to remind the world that liberty can be reconciled with Empire. Hidden from the wisdom of the Hellenes

¹ Plutarch, *Life of Pericles*

that truth was to be revealed to a people whose name was to the Greeks unknown

To return That the money for the adornment of Athens was taken, partly at least, from the Common Treasury of the Delian League is certain Pericles justified the appropriation on the specious ground that so long as the Athenian fleet protected the cities of the League, the Athenian's part of the contract was fulfilled, and that the federal contributions to the common fund might fairly be used for such purposes as the Head of the Confederacy decreed His argument was not convincing to the allied or dependent cities, and the use of the common funds for Athenian purposes undoubtedly contributed to the subsequent defeat of Athens.

That defeat Pericles was not destined to witness For the moment Athens could luxuriate in the sunshine of prosperity The Thirty Years Peace was negotiated in 445, and though it lasted but fifteen—only half as long as the War that was to be fatal to Athenian Democracy—the period of grace proved long enough to enable Pericles to carry through his great schemes of artistic embellishment and political reform

The reform of the Court of the Areopagus was primarily the work of Ephialtes, but Pericles would seem to have cordially supported his leader. The Areopagus, with its semi-religious traditions, was the stronghold of the Conservative party. In 457 this venerable institution was stripped of nearly all its powers, which were transferred to the *Boule*, the *Ecclesia*, and to the paid jurors and judges in the popular law courts (*dikasteria*)

It is arguable—and many ardent Liberals have argued—that the true line of demarcation between Liberalism and Democracy is the payment for public services Pericles crossed that line The reason suggested by Aristotle is confirmed by Plutarch Cimon, the Conservative leader whom Pericles supplanted, was a man of great wealth and careless generosity He emptied his ample purse by largesses to the people Pericles, a relatively poor man, 'divided the public

treasure'. The State had to find the funds to appease discontent and dispel disaffection. Aristotle dates the decadence of Athenian Democracy from the institution of payment for public services. 'Nor is the practice once begun, likely', as he points out, 'to be arrested. The avarice of mankind is insatiable: at one time two obols was enough, but now when this sum has become customary, men always want more and more, without end'¹ And he points to a curious and unforeseen result:

'In our own day when cities have far outgrown their original size, and their revenues have increased, all the citizens have a place in the government, through the great preponderance of their numbers, and they all, including the poor who receive pay, and therefore have leisure to exercise their rights share in the Executive government. Indeed, when they are paid the common people have the most leisure, for they are not hindered by the care of their property which often fetters the rich who are thereby prevented from taking part in the Assembly or in the Courts, and so the State is governed by the poor who are in a majority.'²

Only the professional politician could, in fine, afford to go into Parliament

Pericles was not, however, deterred by considerations; he could not foresee. If Athens was to have a real Democracy, if all citizens were to have an equal opportunity of serving on juries and taking part in legislation and administration, they must be paid. As a result the duties of citizenship became unduly attractive to the poor. Consequently it became necessary to scrutinize closely the claims to citizenship. Cleisthenes had freely admitted aliens. Pericles promoted a law by which (in 450) citizenship was confined to those who could prove pure Athenian descent on both sides.

While, however, all classes were paid for public services, additional burdens (*liturgies*) were imposed on the rich who were called upon, only occasionally however, to provide triremes for the fleet, or to pay the expenses of embassies,

¹ *Politics*, II 12, § 4

² *Ibid*, IV 6, § 5

to contribute to a special fund (*theoricon*) for enabling the poor citizens to attend festivals, games, to witness plays, and so forth.

But if the future developments of Periclean policy proved ultimately fatal to Athenian Democracy, the evil effects were not, in his day, perceptible.

Yet prosperity brought problems, economic and social, in its train. Population began to press upon the constricted area of Attica. Had it not been for paid employment in public departments, there would also have been a problem of unemployment. As it was, Pericles, both for economic and political reasons, did all in his power to encourage migration, though only, of course, within the Empire. Pericles himself supervised the establishment of the first of his new colonies in the Thracian Chersonese (Gallipoli) (447 B.C.). Land was acquired from the allied cities in that peninsula in consideration of a reduction of the tribute due to Athens. The land was allotted to poor Athenian citizens who were known as *Cleruchi* (lot-holders). *Cleruchies* were also planted in Lemnos and Imbros, guarding the entrance to the Hellespont, and other islands of the Aegean. Nor did Pericles neglect Hellenic interests. In 443 a Pan-Hellenic Colony was established under the hegemony of Athens at Thurii, on the Gulf of Tarentum on the southern coast of Italy.

But that policy was not carried through without occasional opposition. The Conservative party attacked him both for his radicalism and his Imperialism. On Cimon's death (449) the Conservatives put up a Thucydides (to be distinguished from the historian) in opposition to Pericles, and, supported by the oligarchical parties in the Confederate Cities and in other States, he gave Pericles some trouble. But the surpassing eloquence of Pericles, coupled with his administrative efficiency and personal incorruptibility, gradually wore down all opposition on the part of the Conservatives.

Yet before his ship reached harbour it encountered heavy seas. The dreaded war with Sparta broke out in

431. To ascribe its outbreak to the Imperialism of Pericles is to take the narrowest view of Hellenic politics. It is true that Pericles regarded the struggle as inevitable and in one of the greatest speeches of his long career counselled his fellow citizens to resist the demands of the Lacedemonians. The latter were clearly bent on war; they had refused arbitration: 'wherefore', he proceeded, 'make up your minds once and for all, either to give way while you are still unharmed, or, if we are going to war, as in my judgment is best, then on no plea, small or great to give way at all; we will not condescend to possess our own in fear'. As to the ultimate issue of a war with Sparta Pericles had no misgivings. In the end Athens must win. His forecast was mistaken. Athens was beaten, and in her defeat Greek Democracy perished.

It remains to summarize the outstanding characteristics of that form of Democracy of which Athens is the best example.

Greek Democracy is differentiated from that which has obtained in the modern world in many respects, but primarily by the fact that it was applied only to City-States. Athens with its circumjacent territory covered only 975 square miles, something less than the size of a middling English county—say Cheshire. But while Cheshire has a population of over 1,000,000, the total population of Attica was under half a million. Estimates of population may vary greatly, but it is commonly reckoned that at the outbreak of the Peloponnesian War the adult male citizens of Athens numbered not more than 47,000, perhaps as few as 30,000. There were, besides, some 10,000 Athenian citizens in the Cleruchies, and perhaps 24,000 aliens resident in Attica. The rest of the population were slaves.

The government of the City-State was vested in the whole body of citizens, the adult male freemen. Thus Athenian democracy was not representative, but direct. The Assembly (*Ecclesia*) was the sovereign authority, and all citizens were not merely free to attend it, but, at least in

the fourth century, were paid to do so. It resembled not so much a Parliament as a Public Meeting. Legislation was, however, regularized by the existence of the *Boule* (the Council of Five Hundred), which performed, by committees, much the same function as an English Cabinet, preparing legislation for the Assembly, and giving effect to its decrees. For election to the *Boule* all citizens of thirty years of age were eligible, and in turns most of them sat in it.

Direct Democracy is politically workable only in a very small community; it is economically feasible only if most of the work is done by slaves. The fact that only a minority of the inhabitants were 'citizens' may justify Rousseau and others in denying to Athens the name of a Democracy. But there are Democracies and Democracies. The idea of Direct Democracy has, however, been realized only in such communities as the Forest Cantons of Switzerland, or the City-States of Ancient Greece, and the latter could never have attained the greatness they did had not the citizens been relieved from the pressure of business by the institution of slavery.

The treatment of slaves at Athens was generally gentle and humane; economically and socially their position differed little from that of the poorer citizens, save that they were excluded from political rights. Aristotle did not shrink from defending slavery on its merits, not merely as an institution fundamentally essential to the experiment of direct democracy, but also as 'natural' in itself, and mutually advantageous to master and man.¹ For our immediate purpose it suffices to observe that slavery not only facilitated direct democracy, but immensely simplified the number and complexity of the social and economic problems by which that or any other government is necessarily confronted.

The task of government at Athens was further simplified by the absence of a Church. The Greeks, though not

¹ See *Politics*, 1 5, 6, and *passim*, Marriott, *Mechanism of the State*, p. 50, Bradley, *ap* Abbott's *Hellenica*.

conspicuously religious like the Hebrews, were not irreligious. If they had no Church apart from the State, they had a complete hierarchy of Gods and Goddesses. But the primary concern of their Deities was not the happiness of individuals, but the well-being of the State. Impiety was consequently an offence against the State as much as against the Gods. It is only necessary to bear in mind the part which, since the days of the Roman Empire, the problem of the relations of Church and State has played in politics, in order to appreciate how relatively few and simple were the problems presented to the Greek statesmen. Of a conflict of loyalties, speaking generally, they knew nothing. No 'religious question' complicated their theory or practice of education. To this extent Signor Mussolini is a greater man than Pericles. Pericles had no Vatican to consider—not even a Canterbury; to him a campaign of 'passive resistance'¹ would have been as unintelligible as a 'Law of Guarantees';² he needed not to conclude a Lateran Treaty.

The absence of conflicting loyalties accounts, in part, for what was the pre-eminent feature of Athenian life, the citizen's devotion to, his absorption in, the State. Not that the activities of the individual were repressed, or his freedom restricted. Quite otherwise. A City which produced, in a short span, a Themistocles, a Pericles, and a Pheidias, an Aeschylus and a Sophocles, a Euripides and an Aristophanes, Plato, Socrates, and Demosthenes, a city which welcomed and appreciated a Praxiteles and an Aristotle, could not have repressed individuality. But for all that, it was the State that counted: to serve the State, to merge his life in the life of the State, was the highest ambition of the citizen.

Aristotle conceived the State as an association which came into existence, not by convention (*νόμος*) but naturally (*φύσει*), in order to make life possible, and was continued in order to enable man to live the highest life. Only

¹ Cf. Marriott, *Modern England*, p. 184 f.

² Marriott, *Modern Italy*, p. 211 f.

as a member of this Association could man achieve the best of which he was capable. The individual, when isolated, is not self-sufficing. he is a part in relation to a whole, a limb which is useless apart from the body of which it is a member. Hence the passionate devotion of the citizen to the State. 'It is', as a modern philosopher has justly observed, 'because Plato and Aristotle conceived the life of the *πόλις* (State) so clearly as the *τέλος* (end, purpose, or meaning) of the individual that they laid the foundation of all the theory of rights'.¹

Yet never were 'rights' so unrestrainedly enjoyed by the individual—freedom of thought, speech, and writing, the right to participate in government—as in democratic Athens. Pericles made this clear.

'The freedom which we enjoy in our public life extends also to our private life, we do not quarrel with our neighbour for doing what he likes, we do not ever put on sour looks at home, looks which if harmless are not pleasant. Yet unconstrained in our private intercourse, a spirit of reverence pervades our public acts.'

Individual liberty was not incompatible with fervid patriotism and devotion to the State. What nobler fate could man desire than to die for his country. Yet few patriots have earned such an epitaph as that which Pericles composed for those who fell in the first year of the Peloponnesian War.

'Methinks that a death such as theirs gives the true measure of a man's worth. it may be the first revelation of his virtues, it is at any rate their final seal. The sacrifice which they collectively made was individually repaid to them, for they received each one for himself a praise which grows not old, and the noblest of all sepulchres, a memorial, not graven on stone, but in the hearts of men.'

The funeral oration of Pericles,² majestic in the roll of its eloquence, still stands as the finest commentary on

¹ Bradley, *ap* Abbot's *Hellenica*

² Whether in Thucydides we have the *ipsissima verba* of the orator or the compositions of the historian is a point not pertinent in this connexion

Athenian Democracy. To such a people ostentation was abhorrent.

'We are lovers of the beautiful, but simple in our tastes, and we cultivate the mind without loss of manliness. Wealth we employ, not for boasting and ostentation, but when there is a real use for it. To avow poverty with us is no disgrace, the true disgrace is in doing nothing to avoid it. An Athenian citizen does not neglect the State, because he takes thought for his own family; and even those of us who are business men are interested also in politics. We alone regard a man who takes no interest in public affairs not as a harmless but as a useless character.'

As for the form of government we are not copyists but originators.

'Our Constitution does not enter into rivalry with the institutions of others. We do not copy our neighbours, but are a model to them. . . .'

To venerate our own institutions may well be a patriotic duty; to deride the awkward attempts of foreigners to imitate them, or to criticize their decision to discard them, is a breach of good manners, and a menace to the comity of nations. Rather should we watch with sympathetic attention the attempts of our neighbours to discover and apply alternative solutions for the problem of government.

IV ANCIENT ROME

The Roman Dictatorship

THE City-States of Hellas, refusing to unite or even effectively to federate,¹ forfeited their political independence. Consequently, Greece is held up as an example of 'failure', as a warning to others who are similarly deaf to the voice of far-sighted and sagacious statesmanship. Her history, as Mr Baldwin has observed, 'is one long failure to create an Empire . . . Civic unity she could never achieve, and her attempts to weld together people of other blood was foiled on the very threshold' Yet failure, as he finely added, 'is a more potent teacher than success, and the tragedy of her history only throws into more radiant relief the debt we owe her in those arts wherein she was supreme'. It was not in the art of politics that her supremacy was attained. Yet foiled in the sphere of Empire, defeated in arms, Greece made conquest of her conquerors. Macedon and Rome gave to Hellenic culture a diffusion such as Greece could never for herself have achieved

Rome triumphantly succeeded precisely in that sphere wherein the failure of Greece was most conspicuous. But Rome was not handicapped in her Imperial expansion by a democratic Constitution. Of the republics of the ancient world Rome was the greatest. A pure Democracy she never was. Dictator, on the other hand, is a Latin word, the Dictatorship is essentially, and by origin, a Roman institution. Of Monarchy Rome knew as little as of Democracy. From the day when the last of the Tarquins was expelled (*circa* 509 B.C.) the name of King (*Rex*) was regarded with blind hatred by the Roman Senate and people. A formal oath bound them never again to bend their necks beneath the yoke of a monarchy. Yet there were crises when the safety of the State imperatively required the concentration

¹ I do not ignore the Achaean and other Leagues. But a League is hardly a Confederation (*Staatenbund*), still less does it exhibit the differentiae of a Federal State (*Bundesstaat*).

of authority in the hands of a single person. A temporary Dictatorship was the device which the Romans—'the most practical people in history'—adopted.

Like the Tyrants of Greece the Roman Dictators came into power to deal with an emergency. But, unlike the Tyrant, the Dictator was, in the great days of the Republic, a Constitutional official, appointed by legal process and exercising his authority in accordance with legal conventions. This 'constitutional' dictatorship dates back to the early years of the sixth century. Originally a military appointment, necessitated by some crisis in foreign affairs, the Dictator's official title was *Magister Populi*. He was expected to lay down his office as soon as the special business for which he had been appointed was accomplished, and in no case could his tenure exceed six months. During his tenure his position was one of high dignity and almost unlimited power. He was attended, when he appeared in public, by twenty-four lictors, who carried axes even within the city; and though the magistrates remained in office during a Dictatorship, the Dictator exercised his *maius imperium*, and all the popular magistrates were subject to his authority. He was even free from the ordinary restrictions imposed on the Consuls themselves, notably from responsibility to the Senate. During the period of senatorial ascendancy, however, it was the Senate which, as a rule, voted the necessity of a Dictatorship, and though the formal nomination remained with the Consuls, the Senatorial nominee was generally appointed.

In the course of the third century B.C. various restrictions were imposed on the power of the Dictator, and after the disastrous defeat at Lake Trasimenus in the Second Punic War (202) no more Dictators of the old type were appointed.

Sulla and Julius Caesar belong to a different category. Their position was, in many respects, closely parallel with that of the Dictators who have in our own time emerged. It demands, on that account, closer scrutiny.

Lucius Cornelius Sulla (138-78), though belonging to one

of the oldest families in Rome, inherited only a modest patrimony. It sufficed, however, to furnish him with the means to live the life of a fashionable young man about town, to dabble in art, and entertain actresses. But if dissipated, Sulla had great ability and did not lack ambition. Marius (157-86), the darling of the populace, and the first soldier of the day, had lately reorganized the army on a professional basis. Sulla took a commission under his command and quickly proved himself a keen soldier, with all the professional soldier's contempt for the politician.

Under Marius, Sulla served with great distinction in the last African War (ended 106) and to him the Numidian prince Jugurtha surrendered. He won even greater distinction under the same great general in the war against the Cimbri and Teutons. The defeats inflicted by Marius and Sulla upon these Germanic tribes at Aix and on the Lombard plain saved Italy and saved Rome. But the exploits of the younger man, and the devotion with which he inspired his men, sowed in the mind of the elder seeds of jealousy and hatred destined to yield a terrible harvest of human lives.

Freed from the menace of barbarian invasion (101) Rome gave itself up during the ensuing decade to fierce faction fights. Disdainful of party warfare Sulla kept in the background until in 93 he was elected Praetor, and in the following year was entrusted as Proprætor with a mission to Asia where Mithridates the Great was rapidly establishing a position of menacing supremacy. Sent to warn him against further advance, Sulla proved himself as adroit in diplomacy as he was skilful in warfare. On his return he found Rome engaged in war (91-88) with her Italian allies. Having helped Marius to bring the 'Social War' to a successful end he was rewarded for his brilliant services by election to a Consulate (88 B.C.). Mithridates was again giving trouble and the Senate entrusted Sulla with the command of an expedition against him. This appointment aroused the anger of the popular party, which nominated its champion, Marius, to the command, thus bringing to a

head the long smouldering quarrel between the old plebeian and the young patrician. Sulla, placing himself at the head of the men whom he had led to victory in the Social War, marched on Rome. Marius fled and took refuge in Carthage, and Sulla having established his ascendancy in Rome went off to his command in the East. During his absence Sulla's aristocratic friends had attacked the popular assembly in the Forum, and on their refusal to disperse had set upon and slaughtered them. The populace had not to wait long for their revenge.

No sooner was Sulla safely on his way to the East than Marius returned from exile, joined forces with Cinna, the popular leader who had been elected Consul in 87 and proceeded to his terrible retaliation. The streets of Rome ran with the blood of Sulla's friends. Only those who fled from the city escaped the Marian massacre. But on the 18th day of his Seventh Consulship (13 January 86) Marius died, in his 71st year. His colleague Cinna was re-elected Consul for three successive years. Dreading, not without reason, the return of Sulla he decided to intercept it; but his troops mutinied and murdered him.

The stage was now clear for the general flushed with a series of victories in his eastern campaigns.¹ In the spring of 83 he sailed for Brundisium with 40,000 victorious veterans and a large fleet. Southern Italy welcomed with open arms the returning conqueror. His old friends joined him, new friends flocked in their thousands to his standard. Yet his advance on the capital was stoutly opposed, and only after a desperate battle under the walls of Rome (1 November 82) was Sulla able once more to enter the city.

Master of Italy and master of Rome, Sulla was now invested with 'a Dictatorship for the making of laws and the regulation of the Commonwealth'. The terms of his commission entirely differentiated the new Dictatorship from the strictly limited and emergency Dictatorships in

¹ Dr Glover regards Sulla's victories as illusory 'Vengeance and inconclusive work are his record in Asia, and in Rome it was little else' *The Ancient World* (p. 302)

the earlier days of the Republic Sulla's authority was restricted neither in duration nor in competence. He superseded, in effect, all the regular magistrates, and from his decisions and decrees there was no appeal. The new Dictator inaugurated his reign by a terrible massacre of his opponents. This proscription was due to no sudden impulse of rage, an act of cold-blooded calculated revenge it stands out conspicuous, if not unfortunately unique, in the history of public crimes. That the slaughter was not indiscriminate, that the victims—nearly 5,000 in number—were all known partisans of the Marian régime, that it was therefore retaliatory in character, can no more excuse this massacre than similar pleas can condone the cruelties of Marius and Cinna. But the Roman people must share the blame. Crimes on this colossal scale have more than a personal significance; individuals, if primarily, are not exclusively responsible. Such crimes are rendered possible only by a highly morbid condition of the body politic, and throw a lurid light on the diseases that afflict it. The old-time virtues traditionally associated with the Roman name had almost perished. No longer was it possible to discern, among the great mass of Roman citizens, the qualities implied in *gravitas*, in *virtus* and *continentia*, in *diligentia*, *industria*, *constantia*, and *fides*. A rock-like stability of character, moderation in word and deed, purity of family life, reverence for the Gods and admiration for the God-like in man, diligence in business, perseverance and manliness, these were the foundations on which had been reared the structure of the Roman state.

In the Rome of the first century B.C. those characteristics, if not extinct, had been submerged beneath the waves of material prosperity and territorial dominion. Dominion had brought in its train moral deterioration and social degeneration. The Gracchi, Tiberius and Gaius, more particularly the latter, had made a noble, if partly misguided, effort to arrest the worst symptoms of disease. The effort cost both brothers their lives, and of their large programme only the agrarian reforms survived them. From that time

(Gaius Gracchus was murdered in 121 B.C.) down to the dictatorship of Julius Caesar, things became steadily worse. Family life was broken up; Roman ladies became more and more luxurious, less faithful and less obedient to their husbands. 'All men rule over women; we Romans rule over all men and our wives rule over us.' Cato's words illustrate the new position claimed by the women of his day.

The decline of the free population was another serious feature of the time. Partly due, perhaps, to the 'emancipation' of women, it was due much more to the large drafts made upon the free population by foreign wars. As a consequence, manual labour fell more and more into the hands of slaves, not least in agriculture, which suffered in this period a grievous decline. The depression in agriculture was one of many causes contributing to overcrowding in Rome where the slave problem was becoming increasingly acute. Nor was industry absorbing the population divorced from the land. Wealth was rapidly increasing in Rome, but that wealth was derived largely from speculation, tax-farming, and army contracts. Of healthy and productive industry there was too little. Rome itself was crowded, with immigrants from all parts of Italy, indeed from all parts of the Mediterranean world.

Decay at the centre was coincident with expansion at the circumference. Italy had become Roman, and the City-State of Rome was rapidly expanding into a great Empire. Roman generals had gone forth to conquer and bring into subjection the whole world known to antiquity. The victory over Carthage was followed by the conquest of the East. Macedonia, Achaea (Greece), Asia Minor, Numidia, Hispania, and Gallia, Transalpine as well as Cisalpine, were absorbed into the Roman dominion. But the instrument of conquest was no longer a Roman army; it was the army of a Marius, a Sulla, and presently of a Caesar. Of all the problems calling for solution perhaps the most fundamental was, however, this. Roman society had burst the bonds of the Roman Constitution, new conditions, social and economic, necessitated in Rome, as they

will always and everywhere necessitate, a readjustment of governmental machinery. Political institutions, if they are to fulfil their purpose, must be periodically readjusted to the changing conditions of society. Failure to adjust them is the certain precursor of revolution—of domestic upheaval, or of annihilation at the hands of a foreign conqueror. Ancient Greece failed to apprehend this truth. France was the first to teach the lesson to the modern world. But the most illuminating example, both positive and negative, in all history, is afforded by Rome.

/ Sulla, having cleared the ground by the massacre of his opponents, turned to the task of constitutional reform. His heart was not in it, but it had to be done. / Sulla had all the contempt of an intellectual for the mob, of an aristocrat for the bourgeois, of a soldier for the politician. But the least offensive of existing institutions was the Senate. In the Senate, accordingly, he concentrated all power, legislative, administrative, and judicial, 'unconditionally, indivisibly' [the words are Mommsen's] and permanently. The Senate, being seriously depleted by recent massacres, was recruited by the appointment of 300 new members, thus bringing up its numbers to 500-600. Sulla abolished the censorial right of cancelling senatorial appointments and thus gave to the Senators a life tenure. The Popular Assembly remained nominally sovereign and obtained the right of electing the Senators, but was deprived of its legislative initiative which Sulla transferred to the Senate. He emancipated 10,000 of the youngest and most vigorous slaves belonging to his proscribed opponents, and constituted them a 'body guard for the oligarchy'. By resuming for the State the ownership of the domain lands handed over in usufruct to the allied communities, and by direct confiscation, he was able to settle on the land 120,000 of his devoted soldiers, forming these colonies into 'a standing army for the Senate' (Mommsen). He extended the electoral suffrage, perceiving, like Bismarck, that a democratic franchise was innocuous so long as the elected legislature was bereft of power. He restricted doles, but the special objects of his aversion,

aristocrat as he was, were the Equites—the wealthy capitalists. He abolished tax-farming—a main source of their opulence—and transferred their judicial functions—another source of profit—to the Senators. To the Popular Assembly he was, as already indicated, more tender than to the rival oligarchy of wealth, but, while leaving to it the right of electing magistrates, he deprived it of the privilege of appointment to the Sacred College of Pontiffs which recovered the right of co-optation.

The most valuable part of Sulla's work—almost the only part of his work which survived him—was the reform of criminal law and procedure, and the reorganization of the bureaucracy. Most of the other constitutional changes were swept away soon after his death.

Nor was that event long deferred. Having reorganized the State in the interests, as he hoped, of his order, Sulla laid down the Dictatorship in 79 and retired to a pleasant villa on the sunny shores of Campania, there to resume, after his strenuous activities, the pleasures of his youth: to dabble again in literature, to enjoy his art treasures and the society of his mistresses. But it was not for long. He died in 78, at the age of sixty, the victim—so his enemies asserted, falsely perhaps—of a loathsome disease.

Sulla's character will always remain an enigma and his career a paradox. The 'Don Juan of Politics' is Mommsen's description, 'Half lion, half fox' is another. Forced into politics, he used his power as Dictator to restore an oligarchy, but he was pre-eminently a soldier and won and retained the devoted loyalty of his men.

After Sulla there was in Rome but one more Dictator. Pompey's sole Consulship in 52 is sometimes, but with questionable accuracy, described as a 'Dictatorship'; he was in truth a 'constitutionalist'. His rival—the greatest of the Romans—was four times Dictator.

V. THE CAESARIAN DICTATORSHIPS

AT the time of Sulla's death Gaius Julius Caesar was not much more than twenty ¹/₂. Though by birth a patrician of the patricians he inherited little wealth. But no other good gift did the gods deny him. With a fine face and a noble presence, a sympathetic heart and a superb intellect, he was evidently born both to conciliate and to command. Nor did he fail to improve, by diligence, his natural gifts. Despite his aristocratic lineage he was drawn by circumstances, if not by sympathy, towards the popular party. A nephew by marriage of Marius,² the son-in-law of Cinna, he had more than once come into conflict with Sulla, at the height of that Dictator's ascendancy. Refusing to put away, at Sulla's bidding, his wife Cornelia, he was prosecuted and sentenced to death. He took refuge in flight and powerful friends obtained a reprieve for him. Sulla's reluctant consent to his pardon was accompanied by a remarkable prediction: 'Beware of that boy, he will be the ruin of the aristocracy, he has in him many Mariuses.'

The years between Sulla's death and Caesar's election to the Consulship (59 B.C.), were crowded with events—the revolt of the disaffected slaves and the gladiators under Spartacus (73–71), the gradual extermination of the free population, the notorious excesses in Sicily of Verres, the insolent attacks of pirates—the work in Michelet's phrase of an 'itinerant Carthage'—upon Roman shipping, the conspiracy (65–63) denounced by Cicero and headed by Catiline—'a man so entirely satanic', writes Niebuhr, 'that his like is hardly to be found in history'. Pompey was doing brilliant things in the East, but in Rome itself everything combined to indicate that Society was rapidly disintegrating, that the old Constitution was hopelessly bankrupt.

Sulla had never succeeded in identifying the interests of

¹ Mommsen (iv 278) argues strongly for 102 B.C. as the date of Caesar's birth as against 100 B.C., the date more generally accepted.

² Marius had married Caesar's aunt Julia.

himself and his soldiers with those of the Commonwealth. Where cleverness failed, genius succeeded. That identification was the secret of Caesar's success. But before he could proceed to the work of reconstruction, he had, literally, to fight his way to power.

Known to world-history as a soldier Caesar was by profession a lawyer. Success in the Forum demanded rhetorical skill. Nature had not intended Caesar to be an orator. His voice was high and shrill and his speech halting. These defects he characteristically determined to overcome, and at the age of three and twenty he went off to Rhodes to study rhetoric under Apollonius Molo, the most famous teacher of the day. On his way he was kidnapped by pirates and had to pay £10,000 as ransom. The moment he was released, he collected a small fleet, captured his captors while they were dividing their plunder, and carried them off to Pergamus, where they were tried, convicted, and crucified. Caesar then resumed his intercepted lessons. After two years at Rhodes he was sent off soldiering to Asia, and on his return to Rome (75 B.C.) was elected, as a reward for his services in Asia, Military Tribune.

Seven years later he got his feet on the first rung of the political ladder by securing election as Quaestor, an office which gave him an insight into public finance. On the death of his first wife, Cornelia, he married Pompey's sister Pompeia,¹ and in the year 65 was elected Aedile, or Commissioner of Public Works. These elections cost money; Caesar was still a comparatively poor man; Aediles were unpaid, and were moreover expected to adorn the city with monuments and new buildings, and to provide the people with costly spectacles—all at their own expense. Caesar, now fired with political ambitions, spent lavishly, ran deeply into debt, and was saved from bankruptcy only by the open purse of his friend Marcus Crassus—the prototype of millionaires.

¹ Divorced by Caesar in 61 in connexion with the 'Sacrilege' of Clodius. Pompeia's participation in the freak was never proved but 'Caesar's wife must be above suspicion'.

Caesar was now, however, relieved from financial anxiety by his election (63 B C) as Pontifex Maximus—High Priest and President of the Pontifical College. Caesar's election as Pontifex Maximus cost him an immense sum, but it was a sound investment. It secured him a large income for life, high dignity, and a palatial residence.

To this high dignity Caesar added in 62 the office of Praetor, but on the conclusion of his year of office was sent off as Proprætor to Spain. Having finished off the war in that difficult country he returned to Rome and was elected a Consul (59).

He had not reached that dangerous eminence without a hard fight, wildly extravagant expenditure, and a storm of calumny. When party passions run high every rising politician becomes, inevitably, the object of malicious rumour. Caesar was no exception to this rule. His morals, it must be confessed, were not much above those of his order and his day. But the tales of his amours were greatly exaggerated. He was no promiscuous libertine, and from the worst forms of vice then prevalent in Rome he was, it is believed, entirely free. With no taste for heavy drinking and luxurious food he avoided the society of the Luculli of the day, greatly preferring that of beautiful and cultivated women. To them he was as attractive as they were to him. But to no woman was he more devoted than to his own mother, an austere Roman matron who, had her distinguished son been guilty of the vices commonly attributed to him, would hardly have consented, as until the day of her death she did, to share his home.

Caesar became Consul in alliance with Crassus and Pompey, whose support, though unofficial, was of immense importance to him. The three allies formed a curious 'triumvirate'. Crassus supplied most of the money; Caesar supplied the brains; Pompey contributed to the assets of the partnership his popularity among the Roman citizens and his well-earned military prestige.

One of the great soldiers of all times, Pompey was, however, an undependable and disappointing politician.

Consumed with vanity he had none of the persistence which is necessary to sustain political ambition. 'Feared by all, admired by some, trusted by few and loved by none.' Such is Dean Merivale's admirable summary. As Consul in 70 B.C. Pompey inclined to the popular party, and, with the help of his colleague Crassus, and the support of the people and the army, undid the whole of Sulla's work. The oligarchical constitution was overthrown; the prerogatives of the Tribunate were restored; the Censorship was revived. The new Censors promptly made use of their recovered powers to purge the Senate and remove from that body sixty-four of the most obnoxious members of the oligarchical party. The jury system was revised and the judicial power was restored predominantly, though not exclusively, to the Equites. The great capitalists were further conciliated by the restoration of the system of tax-farming; the populace recovered their doles.

For the next eight or ten years Pompey was mostly on foreign service, but in 62 he returned to Rome to receive at the hands of his fellow citizens the most splendid triumph ever yet accorded to a Roman General. Inscribed on banners were the names of the countries and nations he had conquered—Pontus, Armenia, Cappadocia, Paphlagonia, Media, Colchis, Syria, Judaea, Cilicia, Mesopotamia, Phoenicia, Arabia, the Iberians, the Albanians, and last, but not least, the Pirates. In his train were captive kings, queens, and princes, while above the chariot in which, blazing with the jewels of the East, he rode, was the trophy bearing a motto proud to the verge of insolence, *ob orbem terrarum*. Nevertheless, though received with wild enthusiasm by the populace, he was insulted by the Senate which refused to ratify his acts in Asia.

It was then that Pompey formed his alliance with Crassus and Caesar—an alliance cemented by his marriage with Julia, the beautiful and accomplished daughter of his colleague.

The year of Pompey's marriage to Julia was the year also of Caesar's Consulate. The new Consul, though the

elect of the people, was no democrat. He was, however, profoundly impressed with the gravity of the domestic situation, and set to work to cure the worst diseases of the State. Anxious to work under the forms of the Constitution he was resolved to let in the light of day upon the procedure of the Senate by ordering that a Report should be published day by day (*Acta diurna*). Hoping to secure the co-operation of the Senate in the work of reform, he laid before it an Agrarian Law, framed with tender regard for vested interests. Pompey's conquests in the East had filled the Public Treasury. Some of the treasure was appropriately applied to the purchase of large estates whereon were to be settled 20,000 of Pompey's veterans and some thousands of the unemployed in Rome. The Senate refused their co-operation and induced the Tribunes to veto this eminently moderate proposal. Caesar insisted. He overrode the Tribunician veto and suspended the Senate though it had passed the Bill. Caesar then enacted with the concurrence of the Comitia the code known as the *Leges Juliae*¹. Recent events had proved to the hilt the necessity for such legislation, and not least for the famous *Lex Julia de repetundis*, an act designed to exact retribution from pro-praetors and pro-consuls who, like Verres, had shamelessly plundered the provinces entrusted to their care. All Governors were required, on relinquishing office, to furnish strict accounts, and where convicted of peculation or injustice to make reparation out of their private estates.

All that a law-giver could do in one short year of office to eradicate the abuses Caesar did. But his main work lay farther afield. At the close of his Consular year, the Senate thought to insult their doughty opponent by a derisive appointment—Commissioner of Forests and Roads (*Silvae callesque*). Caesar, ignoring the insult, accepted the command in Gaul, Cisalpina and Transalpina, and Illyria.

For ten years that was the stage on which his heroic

¹ To be carefully distinguished from the *Lex Julia* which had given Latin rights to the Italians

part was played. / Meanwhile, Pompey, suspicious of the designs of his father-in-law, and jealous of his mounting fame, did nothing to restrain the deepening anarchy at home. His wife Julia died in 54, and her death, followed by Pompey's refusal to accept the hand of Caesar's great-niece, Octavia, broke the last personal tie between the two men. In 52 Pompey was reappointed to the Consulate—this time as 'Sole Consul' without a colleague—and invested with powers which made him virtually, though not technically, a Dictator. /

After his breach with Caesar, Pompey moved steadily towards the Right. The Conservatives, led by Cato the younger, stimulated that movement, and ended by convincing Pompey that Caesar was a dangerous revolutionary. They then put at Pompey's disposal all the armed forces necessary to obstruct Caesar's path to power. There is no doubt that Cato and his friends sincerely believed that in opposing Caesar they were defending the cause of liberty, but, as Warde Fowler truly says, the liberty they defended was 'the liberty to mis-govern the Empire and to talk without acting efficiently'.

Meanwhile Caesar's provincial command, originally limited, as was customary, to five years, was extended for a further term. Before that term expired, the Senate, suspicious of Caesar's designs, passed a decree ordering him to give up his Province and disband his army by 1 March 49, on pain of being declared an enemy of the Republic. The Tribunes Marcus Antonius and Caius Cassius vetoed the decree. In vain the Senate persisted. Caesar offered a compromise. It was refused. Then, summoning his legions from the north, Caesar crossed the Rubicon, the stream that divided his Province from Italy (10 January). The die was cast. Civil War had begun.

Rome was in confusion. Many of the Senatorians fled in panic. Pompey himself, hoping to tempt Caesar to meet him where he felt himself strongest—in the East,—made for Greece. Caesar attempted to follow him, but Pompey held command of the sea; for Caesar's troops not even

transports were available / Perforce, therefore, he stayed awhile in Italy, which within two months was at his feet But Pompey was strong in the East, in Africa, in Spain, and held the Mediterranean Italy, cut off from all supplies from abroad, might well be starved out / The situation was critical Caesar entered Rome for the first time for ten years His conduct there dispelled all fears No arrests, no proscription, no confiscation The Senate, relieved of its apprehensions, was sullen and obstructive ; but the Comitia voted Caesar all the money he wanted, and leaving the Capital in charge of the Praetor Lepidus, Caesar set off to subdue the main centres of opposition. First to Spain Six weeks sufficed to bring Spain to submission Bloodshed was avoided Superb strategy availed to bring the Pompeians to surrender They received their arrears of pay and were disbanded At the beginning of September, Caesar was back at Massilia (Marseilles) and received the submission of that famous city Sardinia and Sicily were occupied by his lieutenants Italy was safe from any danger of starvation Only in Africa did the Pompeians, make successful resistance

On his return to Rome, Caesar was appointed Dictator *Comitibus habendis* on the nomination of Aemilius Lepidus, the Praetor, but in less than a fortnight resigned the office Having held the Consular Comitia in which he declared himself Consul for the ensuing year (48) he crossed over to Greece in pursuit of Pompey.

Battle was joined ; Pompey was victorious in the first stage of the campaign, but at Pharsalus, on the plains of Thessaly, Caesar inflicted on him a decisive defeat (9 August 45) The significance of that battle has been appraised, if with questionable accuracy, in a passage so eloquent as to justify quotation :

‘The Battle of Pharsalia acquired a special place in history, because it was a battle fought by the Roman aristocracy in their own person, in defence of their own supremacy Senators and the sons of Senators, the heirs of the names and fortunes of the ancient Roman families, the leaders of society

in Roman saloons, and the chiefs of the political party of the Optimates in the Curia and Forum, were here present on the field; representatives in person and in principle of the traditions of Sylla, brought face to face with the representative of Marius. Here were the men who had pursued Caesar through so many years with a hate so inveterate. Here were the haughty Patrician guard who had drawn their swords on him in the Senate House, young lords whose theory of life was to lounge through it in languid *insouciance*. The other great actions were fought by the ignoble multitude whose deaths were of less significance. The plains of Pharsalia were watered by the precious blood of the elect of the earth. The battle therefore marked an epoch like no other in the history of the world.¹

After the battle Pompey fled to Egypt, with Caesar in hot pursuit, but before the latter could come up with him, Pompey had been done to death by order of the young King Ptolemy. His head was cut off, and on Caesar's arrival was presented to him. Caesar turned away in disgust, and put the murderers to death.

From a difficult position in Egypt Caesar at length—though not until 4 March—extricated himself. That he dallied in Alexandria in order to make love to Queen Cleopatra is an idle tale. That he made love to her—who could help it?—is likely enough, but he remained in Egypt because he could not get out; only under duress did he 'leave his proper tasks in abeyance', so long, 'in order to fight with Jews and Bedouins against a city rabble'²

On leaving Alexandria, Caesar marched through Syria and Asia Minor, and in Pontus inflicted a crushing defeat on Pharnaces, the son of Mithridates the Great, who had espoused the Pompeian cause. But Rome urgently needed the master's presence. Before men realized that he had sailed from Pontus Caesar was back in the capital (4 September).

For the urgent tasks which awaited him there he could spare a short three months. In that time he did much. He again made it plain that there were to be no reprisals. He restricted the rate of interest which in the general sense

¹ Froude, *Caesar* (ed 1896), pp 437–8

² Mommsen, v 282

of insecurity had risen to extravagant rates, but there was no confiscation of capital; even the Jews were protected in their just rights. For the heroes who had fought with him, and for the poorest classes, he provided homes rent free for a year, he planted 80,000 of his discharged soldiers on the land, but for the most part his friends, especially the Legions, were disappointed by his conspicuous moderation and his refusal to victimize even notorious opponents.

Meanwhile the leaders of the opposition were rallying their forces in Africa where they did not scruple to invoke the help of the barbarian, King Juba, against their own greatest soldier and statesman. The African business was, however, finished off by the hard-won victory at Thapsus (6 April 46), by the end of July Caesar was back in the capital.

In Rome a splendid reception awaited him. At last he could celebrate his triumphs—no fewer than four—over Gaul, Egypt, Pontus, and North Africa. He was named Dictator for ten years. All the old forms of the Republican Constitution were maintained—Senate, Assembly, Magistrates. But the Senate was first purged, then swamped, its membership being increased to 900. Among the new Senators were some of Caesar's soldiers, sons of freedmen, Italians, and even Gauls. The people still met in the Assembly, but the terms of the new Dictatorship gave the Dictator the right of nominating the persons to be elected as magistrates. For months together the city of Rome was actually governed by prefects nominated by the man in whose hands all authority was, in fact, concentrated.

Spain still remained a centre of opposition, thanks to the presence and incitement of Pompey's sons. To Spain, therefore, Caesar must needs go. The battle of Munda (17 March 45) at last brought that country to submission, and the Civil War to a conclusion. On 6 September Caesar again returned to Rome.

At last the Dictatorship was conferred on him for life. To the title of Dictator was added that of *Imperator*. He would fain, like Cromwell, have added another. But *Rex*

The
Dictat
ship

was a title still, after all these centuries, execrated in Rome. The Crown was offered to him, amid the plaudits of the crowd, by Marcus Antonius (15 February 44), but much louder and longer were the cheers when he rejected it. Even Cicero was moved by the conduct of the Dictator to a recantation (described by his friends as 'shameful'). 'Such kindness, such unheard of generosity, such moderation in power, such incredible and almost godlike wisdom, he felt himself unable to pass over without giving expression to his emotions.' So ran Cicero's famous speech (*Pro Marco Marcello*) in the Senate.

No king or general had ever performed such exploits as Caesar. But there were victories greater than could be won in battle.

'To have conquered yourself [thus Cicero addressed the Dictator] to have restrained your resentment. . . . How can we praise, how can we love you sufficiently? . . . No conqueror in a Civil War was ever so mild as you have been. . . . By the laws of war we were under your feet, to be destroyed, if you so willed. We live by your grace. . . . War has laid prostrate our institutions, you alone can restore them. . . . The bonds of society are released. . . . These wounds need healing, you alone can heal them. . . . Our dissensions have been crushed by the arms and extinguished by the lenity of the Conqueror.'¹

The eulogy was deserved. The man who pronounced it openly regretted, within a few weeks, that he was not permitted to participate in the assassination of a tyrant.

For the end was near. Caesar was due to leave Rome again for the East before the end of March. Marcus Brutus was due to start at the same time for his proconsulship in Macedonia, Lepidus for Gaul, Decimus Brutus for North Italy. These men were, with Caius Cassius, the leaders of the conspiracy which had been formed to assassinate the Dictator. Sixty men in all were in the secret. Cicero was not among them. His friends could not trust him. Caesar was warned, but refused police

¹ The speech was actually evoked by Caesar's pardoning of Marcus Marcellus and was delivered before the rejection of the Crown.

protection. A slight indisposition detained him at home on the Ides of March (15 March) But his presence was urgently demanded by the Senate He braced himself to answer the summons. Hardly had he taken his seat when the conspirators, under cover of presenting a petition, fell on him and stabbed him to death

With the Dictator perished the Dictatorship Marcus Antonius, as Tribune, immediately carried a Law (*Lex Antonia*, 44 B.C.) for the abolition in perpetuity of that office It was characteristic of the prudence and sagacity of Octavian that he never attempted its revival¹

Goethe has said that the murder of Caesar was the most senseless act ever committed by the Romans Mommsen has substantiated the statement of his countryman, and Mommsen wrote, if not with greater insight than the poet, with all the knowledge at the command of a great historian. In the most striking chapter of his great work, he has pronounced a noble eulogy on Julius Caesar and his work² 'The sole creative genius produced by Rome and the last produced by the ancient world which moved on in the path that he marked out for it until its sun went down.' Was Mommsen right? It is at least true that 'the political life of the nations has during thousands of years reverted to the lines which Caesar drew'

What were those lines? Several of them have been already indicated They reveal Caesar's unique talent for organization; his capacity for coming to decisions, rapidly but without haste; his penetrating judgement, the entire absence of illusions; his 'cool sobriety' under constant temptations to excess; his almost uncanny sense of the limits of the possible An autocrat he was, but as Mommsen finely says 'he was never seized with the giddiness of a tyrant'

Caesar was no democrat, he had the instincts of a

¹ Cicero, *Philippics*, I 1

² Book v, chap x Needless to add that Mommsen's verdict is by no means accepted by all recent critics

Conservative, but like all wise Conservatives he was an ardent reformer when reforms were needed to clear away rubbish and to re-establish ordered freedom on foundations likely to endure. *Nobiles* and *populares* were outworn labels. The times called for a party which should be above party and stand only for the State. Although Caesar's clemency and generosity towards opponents extorted the admiration of Cicero, it may be that he carried the virtue of forgiveness too far. There were those whom no mercy could conciliate. Caesar, in the interests of general reconciliation, of the appeasement of passion after half a century of violence, was prepared to take risks. Of the risk to his own person he was not unaware, yet he persisted in his predetermined policy. A general pardon, an act of oblivion—these of course; but he would go farther. He would cancel exclusions and would restore privileges even to those who had obstructed his path to power. He re-erected the statues of both Sulla and Pompey. He destroyed unread the papers which fell into his hands at Pharsalus and Thapsus. He preferred to harbour no suspicion against those whom he hoped by patience to conciliate. The men who take that line in politics often } fail to win over enemies and invariably alienate friends. } Among Caesar's followers the baser sort were eager for loot and could not forgive the man who called the dogs off the quarry. But had it not been for a handful of doctrinaires who thought more of the forms of a Republic } than of the things they signified, Caesar might have won } through. High motives often lead men astray in politics. Pedants are a terrible danger to the State. Brutus and the 'Tyrannicides' were pedants of the worst type. A Perpetual Dictator was too like a King. Tyrants must die. Never king, Caesar was truly Imperator, and laid down the lines of Empire. Exercising the right conferred on him by the people, he created a new aristocracy, but his new Patrician *Gentes* were more than balanced by an extension of the Roman *Civitas*. He conferred Roman citizenship upon transpadane Gauls and other provincials, he

established a uniform system of municipal government in Italy, and lightened the fiscal burden of the Provinces. To him all the provincial Governors were to be responsible, and responsibility was not meant to be formal. Nor in laying down rules for the Empire did he forget the claims of Liberty. He was the first statesman in the ancient world to check the growth of slavery, and attempt to assuage the lot of slaves. He ameliorated also the position of debtors, and passed a wise bankruptcy Act. He imposed a means test and then reduced the recipients of doles by 50 per cent, and instituted a quota for corn. With a view to checking the continuous drain of population from Italy, he passed laws against absentees, he encouraged population and discouraged luxury, he reformed the police system, and tightened up discipline in the army; he revised the financial machinery and controlled national expenditure, he did all in his power to revive agriculture and to arrest the depopulation of the country-side, he carried out a census of the Empire, instituted an Imperial Currency, and projected a codification of the law—And all this, be it remembered, in the few months which at long intervals he actually spent in Rome.¹ /

Most of his service was abroad. It is as though Earl Kitchener of Khartoum had, in the brief interval of his commands abroad, carried out a full programme of social and constitutional reform, and had indicated some at least of the lines on which an Imperial Constitution might be constructed.

Caesar, though not a king, nor even like Cromwell a Protector empowered to name a successor, did in fact leave an heir. To Octavian, his nephew and adopted son, Julius Caesar bequeathed the completion of his work. It is by a study of the life and work of the first Roman Princeps that the ideals of the last and greatest of Roman Dictators can most justly be appreciated. But that study is outside the scope of this book.

¹ Only fifteen months in the aggregate in the five years of his 'reign.'

VI. THE MIDDLE AGES

The Italian Cities

TO the analysis attempted in this book the Roman Empire—whether in its greatness, its decay, or its dissolution—made no appreciable contribution. Nor need the student of political theory linger overlong in the Middle Ages.

Lord Bryce has declared that the Middle Ages were 'essentially unpolitical'. Sir Frederick Pollock insists that 'the modern study of Politics begins with Machiavelli' (1469-1527). Yet if it be true that the Middle Ages contributed little to political theory, they were not, perhaps, so 'dark' as they are sometimes painted. Modern criticism, indeed, abhors crudities. Black is no longer black, or white white. Both are merged in various shades of grey. Sismondi, indeed, insisted that 'political philosophy began in modern Europe only with the Italian republics of the Middle Ages and from them diffused itself over other nations'. But Sismondi must surely have had in mind the 'philosophy that teaches by example'. The Middle Ages produced no Aristotle nor even a Polybius. Thomas Aquinas formulated a basis for the classification of States, and this work, as a French critic has said, 'summarizes the Middle Ages, nay it is the Middle Ages; there you have collected apparently for ever all that the Middle Ages, thought and knew'.¹ As regards political theory it did not amount to much. Dante's *De Monarchia* is sometimes referred to as throwing a partial light on the prevalent darkness. But no more than Thomas Aquinas did Dante develop a complete political theory; even less Dante's great treatise is the first of many powerful pleas for the organization of perpetual peace. 'Weary of the endless strife of princes and cities, of the factions within every city against each other, seeing municipal freedom, the

¹ Paul Janet, *Histoire de la Science Politique*, 1 399

only mitigation of turbulence, vanish with the rise of domestic tyrants',¹ Dante looked to a revival of the world-empire of Rome, in the person of a German prince. The Guelphs could bring no peace to a distracted Italy. In its Temporal mission the Papacy had lamentably failed. Where the Guelphs had failed, could the Ghibellines succeed? The great Florentine poet believed that Universal Monarchy could alone save a war-ridden world. The *De Monarchia* was in truth a party pamphlet, lofty in tone, inspired by a great philosophic vision, but as much a party pamphlet as Burke's *Reflections upon the French Revolution*.

To that extent, then, we must agree that the Middle Ages were 'essentially unpolitical'. Yet if we think of a *πόλις* as a City—rather than a Nation-State, there is evidently some material for the student seeking to investigate the principles of Democracy and Dictatorship, though to seek parallels, with the constitutional experiments of the modern world, were incautious and illusory. Mr. Motley, indeed, affects to discover during the fourteen centuries since the fall of the Roman Empire a progressive movement, however concealed or impeded, towards Democracy. But it surely needs the eye of an American to detect it. Erskine May goes, however, too far in the opposite direction when he declares that 'during the dark ages not only democracy but freedom was extinguished'.² His own practice contradicts his precept, since he devotes no inconsiderable portion of his work on *Democracy in Europe* to those 'dark ages'.

That the light of freedom should have been manifested first in Italy is only natural. Until the Turks blocked the old trade routes and new sea-paths were opened by Vasco da Gama, Columbus, and the Cabots, Italy was the hub of civilization: its lanky peninsula divided the eastern from the western Mediterranean; many of its coastal cities—Venice, Ravenna, Naples, Amalfi, Gaeta, Bari—were outposts of the Greek Empire. Many other cities, besides

¹ Bryce, *Holy Roman Empire*, p. 265

² *Democracy in Europe*, 1. 223

Rome itself, still preserved monuments of Roman greatness and enshrined the traditions of Roman government. In Italy, moreover, the feudal system was never so completely organized, or so firmly established, as in France or Germany. The Communes were too strong to be absorbed into a feudal system, and were well able to rely on themselves for defence against the successive tides of invasion which submerged medieval Italy.

Florence has often been placed, not by Shelley or the poets only, 'as a younger sister by the side of Athens'. Venice has been frequently compared to Sparta. Genoa played a part in world history comparable with that of Corinth. Yet it cannot be suggested that medieval Italy presents to the scientific investigator so fruitful a field as ancient Greece. Is it that Italy lacked an Aristotle, an Herodotus, and a Thucydides? Had Machiavelli's *Prince* been of the same quality as Aristotle's *Politics*, had Guicciardini been a Thucydides, would the Italian Communes have loomed as large in world history as Athens and Sparta? It is unlikely. The history of medieval Italy, says Hallam, 'presents a labyrinth of petty facts, so obscure and of little influence as not to arrest the attention; so intricate and incapable of classification as to leave only confusion in the memory'¹ Intricate and confused the history of the Italian cities unquestionably is 'A chaos of inscrutable confusion' is the description of J. A. Symonds.

'Alliances', he wrote, 'are made and revolutions accomplished, till the ancient feuds of the towns are crossed, recrossed, and tangled in a web of madness that defies analysis. Through the medley of quarrelling, divided and subdivided and inter-twisted factions ride Emperors followed by their bands of Knights, appearing for a season on vain quests, and withdrawing after they have tenfold confounded the confusion. Papal legates drown the cities of the Church in blood . . . rouse insurrections in the states that own allegiance to the Empire. Monks stir republican revivals in old cities that have lost their liberties . . . Princes of France, Kings of Bohemia and Hungary march and

¹ *Middle Ages*, p. 181

countermarch . . . form leagues, establish realms, head confederations which melt like shapes we form from clouds to nothing '1

Not only are inter-municipal relations chaotic and confused. Bewildering also is the diversity of internal constitutions. 'Every municipality has a separate nomenclature for its magistracies, and a somewhat different method of distributing administrative functions '2 Nor does the same title borne by an official or a Council imply the same thing in the same city at different periods. To treat of these cities collectively is consequently, as Symonds says, impossible. To treat of them individually in detail would be beyond the scope of this work. There is a further contrast between the Italian cities, and the City-States of Greece.

'The entire soil of Greece was occupied by its little states. They had no kings or princes as neighbours. they owed allegiance to no other Powers. But the republics of Italy were founded within the borders of existing monarchies . . . Hence they never enjoyed complete political independence. They were free municipalities rather than Sovereign States. Higher powers from whom they had received their franchise still claimed sovereignty over them. Powerful neighbours threatened and controlled them '3

Nor was the citizen of Florence or Milan in the same position as a citizen of Athens. The latter, as we have seen, enjoyed the leisure essential to a governing class in a direct Democracy. His material wants were supplied by slave labour, he was free to devote himself to the government of his city and the cultivation of his mind. The citizens of the Italian republics were primarily merchants, traders, craftsmen. politics took a secondary if important place in their scheme of life, their first anxiety was to make money and to enjoy it.

Yet to ignore entirely the history of the Italian cities would be to leave an unforgivable gap in the argument of the present work. A mere sketch must, however, suffice.

¹ *Age of the Despots*, p. 35

² *Ibid.*, p. 30

³ *May, Democracy in Europe*, 1, 285

In such a sketch Venice must hold the first place.¹

The history of this 'jewel casket of the world' (Sabellico's description), 'the eldest child of liberty' (as Wordsworth called her), has been brilliantly summarized by a French historian:

'Contemplate,' wrote Taine, 'the enterprising life of a free city like Venice, a borough of fishmongers, planted on mud, without earth, without water, without stone, without wood, which conquers the coasts of its own gulf, Constantinople, the Archipelago, the Peloponnesus and Cyprus, which suppresses seven rebellions in Zara and sixteen rebellions in Crete, which defeats the Dalmatians, the Byzantines, the Sultans of Cairo, and the Kings of Hungary, which launches on the Bosphorus flotillas of five hundred sail, which arms squadrons of two hundred galleys, which keeps afloat at one time three thousand vessels, which annually with four fleets of galleys unites Trebizond, Alexandria, Tunis, Tangier, Lisbon and London, which, finally creating manufactures, an architecture, a school of painting, and an original society, transforms itself into a magnificent jewel of art, whilst its vessels and its soldiers in Crete and the Morea defend Europe against the last of barbarian invaders.'

Truly a stupendous and superb achievement. To what causes must her triumph, long drawn out through thirteen centuries, be ascribed?

Primarily, if paradoxically, this city 'planted on mud' owed her greatness to the gifts of nature. It was the sea that gave to Venice, almost impregnable against attack from the land, her great place in world history. So long as world trade followed its traditional routes, so long as the wealth of the east poured into Europe through Constantinople, the Syrian ports, and Alexandria, Venice held a position of incomparable advantage. Genoa was her only possible rival.

Since the defeat of the Frankish King Pippin (810) and the establishment of the Venetians on Rialto, the progress of the City, though occasionally interrupted, had been on

¹ For modern research into the origins of Venice, cf R Cessi, *Venezia ducale* Padua, 1928-9. Discussion of such critical questions is outside the scope of this general sketch.

the whole amazingly consistent Easy of access by sea from the East, planted at the head of the Adriatic and at the foot of the Alpine passes into Central Europe, the position of Venice was indeed exceptionally advantageous. The hardy fishermen made the most of it. But from the first the fishermen had patrician leaders—not feudal lords as elsewhere in Italy, but patricians who claimed unbroken descent from the Senatorial families of Rome. 'We are resolved to be the subjects of the Roman Emperor, not of you,' was the proud answer of the Venetians to King Pippin in 809.

Nevertheless, it is with the new Rome on the Bosphorus, not with the old Rome on the Tiber, that the history of Venice is most closely intertwined. For this, geography and trade were responsible.

The first care of the Venetians was to assert their supremacy in the Adriatic. This they did by a war waged throughout the ninth and tenth centuries against the pirates of Dalmatia. The victory won by Doge Orsola II on Ascension Day 998 brought that prolonged contest to a successful conclusion.

From the Adriatic the Venetians advanced to the conquest of the eastern Mediterranean. By the end of the thirteenth century they had out-distanced all rivals; they had planted commercial Colonies, or 'factories', in Constantinople and the Syrian cities, Sidon, Tyre, Acre, and Ascalon, Venice was mistress of the Cyclades and Sporades, of Corfu and Crete, in fine she 'held the gorgeous East in fee'.

To the establishment of her commercial supremacy nothing contributed more than the Crusades—in particular the famous Fourth Crusade (1201-4). The interest of Venice in the Crusades was, however, purely secular and commercial. She made her bargain with the Crusaders and she reaped the appropriate reward. From the beginning of the thirteenth century to the middle of the fifteenth the political and commercial ascendancy of Venice in the Near East, if not unquestioned, was never successfully assailed.

Even more important than the Crusades as a factor in the rise of Venice was the form of her government. Venice

affords the most striking example in history of the successful rule—maintained through long centuries—of a genuine Aristocracy.

The Venetian Constitution was, however, the product of gradual evolution. The city was originally governed by the *Concione*, or general assembly of the citizens. The disastrous failure of an expedition launched by the *Concione* against the Byzantine Emperor Manuel I led in 1172 to a radical reform of the Constitution. To the *Concione* was added the *Maggior Consiglio* which, though originally indirectly elected, became by the end of the thirteenth century a close hereditary corporation.

A further stage of evolution was registered when in 1310 the famous *Council of Ten* was established. This Council was originally appointed to deal with the crisis arising from the Conspiracy of Bojamonte Tiepolo (1310), but having suppressed the conspiracy it continued to function so effectively that it was made permanent in 1335 and eventually became an indispensable cog in the mechanism of the State.

Yet the Doge continued to be 'the apex of the constitutional pyramid . . . the outward and visible sign of all that oligarchy meant'.¹ This office dated from the end of the seventh century. Originally elected in the *Concione*, the Doge gradually attained a dangerous ascendancy. His authority was consequently curtailed by the appointment of two (afterwards six) Ducal Councillors, by whom his powers were in fact exercised. Below the Councillors in the official hierarchy was the ministerial Cabinet (*Collegio*), which formed the working executive of the State. Legislation was practically confided to a Senate, though the broad base of the constitutional pyramid was formed by the Great Council (*Maggior Consiglio*). The latter body was, however, ultimately relieved of almost all its original functions.

Such was, in outline, the Constitution of the greatest of oligarchical Republics. 'No scheme more repugnant to liberty and justice was ever devised by despots.' Such is

¹ Mr Horatio Brown, to whose various writings the preceding paragraphs owe much

the comment of the English historian of Democracy. Erskine May is, however, constrained, following Sismondi, to admit that the Venetian government if 'tainted by all the vices of absolutism', was 'singularly bold, firm, steadfast and consistent; firm in its patriotism; prompt in resolution, vigorous in action; princely in its ambition and pretensions, stately in its civic grandeur. Merciless to rivals and opponents, it was gentle to the people; prudent in the management of the finances; impartial in the administration of justice; and enlightened in its care of the social and material welfare of the community.'¹

Of what other State—Democratic, Despotic, or Oligarchic—in the Middle Ages could so much be said?

The Venetian Republic endured in all its former stability, if not in all its ancient splendour and power, far beyond the Middle Ages. In the fifteenth century a new role opened to Venice, and she played it manfully. If she no longer 'held the gorgeous East in fee' she became, in a special sense, 'the safeguard of the West'. For three centuries she waged intermittent war against the new enemy whose advent proved ultimately fatal to her commercial supremacy. The Turkish conquest of Constantinople (1453), followed by the conquest of Asia Minor, Syria, and Egypt, blocked the old trade routes. New sea-paths to east and west were opened by the mariners who, in the last decade of the fifteenth century, sailed from Portugal, Spain, and England. The Mediterranean gave place to the Atlantic as the great highway of commerce, Venice and Genoa lost their primacy in trade: it passed to Lisbon and Bristol, to London and Amsterdam. Napoleon completed the ruin the Turk had begun. Venice was incorporated in the Napoleonic Empire.

Yet shall some tribute of regret be paid
When her long life hath reached its final day
Men are we, and must grieve when even the shade
Of that which once was great is passed away.

¹ *Democracy in Europe*, i 292, and cf Sismondi, p 120, and Burckhardt, *Civilization of the Renaissance*, pp 63 f

On Napoleon's fall Venetia passed to Austria, and in Austrian hands it remained until, in 1866, Bismarck tossed it to Victor Emmanuel, to take its honoured place in an Italy, at long last happily united.

Alike in consistency and continuity Venice contrasts sharply with the other republics of medieval Italy. But it is commonly insinuated that Venice purchased commercial prosperity and political stability at the price of liberty. Florence, in particular, is held up as a shining example of democracy triumphant against the dark background of oligarchical Venice. The contrast is exaggerated. The Whig historians of the nineteenth century read into the history of medieval Florence much more 'democracy' than ever in fact existed. That the citizens of Florence made a brave fight for freedom against a German Emperor and against his adherents in Italy is true. True also is it that Florentine names will, like those of the Athenians, still live among men when the names of Doges and Popes are no longer remembered. But the names are not those of politicians and party leaders. The real greatness of Florence lay not in the sphere of politics, but in commerce and trade, in literature and painting, in sculpture and architecture. Cimabue and Giotto, Donatello and Michelangelo, Botticelli and Leonardo da Vinci, Dante, Petrarch, and Boccaccio, Savonarola, Machiavelli, and Guiccardini—these are the men who established for all time the fame of Florence. Not one of them was primarily a politician, still less an apologist for a democratic constitution of any type. It was, in truth, under the dictatorship of the Medici that Florence attained the zenith of her greatness, as the home of literature, art, and thought. To speak of the Renaissance is to think primarily of the Florence of the Medici.

Nevertheless Florence played a conspicuous part in the history of medieval Italy. Thanks largely to her geographical position, Florence quickly attained to pre-eminence in trade. Politically she was less advanced, and throughout

the Middle Ages she was almost continuously the scene of tumults and disorder, of party conflict, faction fights, and political permutations. Nobles fought burghers, Ghibellines Guelphs, the greater gilds the lesser gilds, and so on. Constitutional revisions, hardly to be dignified by the term revolutions, succeeded each other with bewildering rapidity. Confusion was still further confounded by cross divisions. The nobles were not invariably identical with the Ghibellines, nor the burghers with the Guelphs, though they tended to gravitate respectively towards the Imperialist and Papal parties.

As compared with the maritime, or even the Lombard republics, Florence was late in achieving municipal independence. The Guelphic burghers had, however, to contend not only with the Ghibellines in their own city but with the neighbouring republics of Siena, Pisa, and Pistoia, and in 1260 they were heavily defeated in a great battle at Montaperti on the Arbia. For the next few years the Ghibellines enjoyed an undisputed ascendancy, but in 1266 Charles I of Anjou descended into Italy at the invitation of Pope Clement IV, expelled the Ghibellines from Florence, and confiscated all their property. The profits of victory went, however, not to the burghers, but to the Pope and his Angevin allies. Theirs was the power behind the façade of 'democracy' or 'oligarchy'.

Power was in the hands of the seven *Arti Maggiori*, the ^{The} gilds of the lawyers or notaries, the cloth merchants, the ^{Gilds} silk merchants, the furriers, the drapers, the bankers, and the physicians and chemists. These powerful companies made Florence the greatest commercial city in Italy, if not in the world. In addition to the seven *Arti Maggiori* there were (ultimately) no fewer than fourteen *Arti Minori* or Craft Gilds, but the government of the city was virtually vested in the *popolani grassi*, the wealthy burghers, and in 1292 the oligarchical character of their rule was still further emphasized by the *Ordinamenti di giustizia*, by which the great nobles were excluded from the gilds, and none but gildsmen could become members of the *Signoria*—the

governing body of the guilds. Thus were the nobles, by mere disqualification of birth, completely disfranchised, condemned to political impotence. The commercial oligarchy was entrenched in power.

Dante, by birth a member of a patrician-burgher family, qualified for office by enrolling himself as a member of the Gild of the Physicians in 1295, and in 1300, from June to August, he held the office of Prior. Highly esteemed (as Boccaccio tells us) and greatly trusted by his fellow citizens, Dante was occasionally employed on embassies, and it was probably when he was on a mission to Boniface VIII (1300) that he learnt that his party, the Whites (*Bianchi*), had been overthrown, and that the triumphant Blacks (*Neri*) had condemned the leaders, including Dante himself, to banishment. The election of Henry of Luxemburg (Henry VII) to the Imperial throne (1308) raised in him hopes of recall and restoration, but the new Emperor was refused admittance to the Guelphic city of Florence, in 1313 he died, and with him the hopes of Dante and the other Florentine exiles. Never again did Dante set foot in his native city. Well might he pour scorn upon the inconsistency and restlessness of his fellow citizens, and compare them to sick men who, lying in bed but unable to rest, seek momentary relief by constant turning from side to side.¹ Well might he look for deliverance not only for his own beloved city but for the world at large to an all-powerful Emperor, representing on earth the eternal justice of God, able and willing to bestow upon a war-weary world the supreme blessing of the *Pax Romana*.

The ideal and all-powerful ruler of the world was not forthcoming. The rule of the Visconti at Milan and of the Medici at Florence, though preferable in many ways to the incessant changes of government, to the restlessness and turbulence of the Republics, was a very imperfect substitute for the monarchy, beneficent and universal, so ardently desired by Dante.

¹ The wonder is that amid the wild clamour of faction

fight and family feuds, amid the clash of arms, amid the constant clamour and din of partisans who daily thronged the narrow streets and the public piazza, trade continued to flourish and expand, that Petrarch and Boccaccio, Giotto and Donatello could produce work destined to immortality. Yet so it was, though the greatest period in the history of Florence as the nurse of the Renaissance came only under the Medicean Dictatorship.

But before that Dictatorship was established (1421) Florence had to pass through a time of great tribulation, not, however, unrelieved by brief periods of brilliant if intermittent prosperity.

Florence at the beginning of the fourteenth century was a city of 100,000 inhabitants, served by 110 churches, and adorned with stately palaces. It was noted for its production of cloth and was the centre of international finance. But its prosperity received a rude shock when Edward III repudiated his debt to the Florentine banks and when his rival Philip VI of France laid hands on the reserves of the French branches of those banks. In 1340 came the first visitation of the Bubonic Plague; plague was followed by famine, and the stricken city put itself in the hands of a dictator, Walter of Brienne, Duke of Athens. The dictator proved himself to be a blood-thirsty tyrant, and in 1343 was compelled to abdicate. Four years later there was another more terrible outbreak of plague, again followed by famine.

‘Alas my beloved brother what shall I say? Whither shall I turn? On all sides it is sorrow, everywhere is fear. In what annals has it ever been read that houses were left vacant, cities desecrated, the country neglected, the fields too small for the dead, and a fearful and universal solitude over the whole earth.’

So Petrarch wrote in 1348. Boccaccio’s description in the *Decameron* is even more familiar.

‘What magnificent dwellings, what stately palaces were then rendered desolate even to the last inhabitant. What riches, what vast possessions were left with no known heir to inherit them.’

Yet, despite depopulation and destruction of wealth, Florence carried on intermittent war with the Visconti of Milan, and with her nearer neighbours Lucca and Pisa, until at last—but not until 1406—Pisa was finally conquered and Florence acquired a seaport of immense value to her commerce.

Not, however, until the advent of the Medici was there any cessation of the internal strife so inimical to commercial development. A family of merchant-bankers and immensely rich they had come into prominence as the champions of the poor and the unprivileged orders. Their popularity was enhanced when in 1421 Giovanni de' Medici was elected *gonfaloniere* and carried through a series of financial reforms. He instituted a census of wealth (*catasto*), and consolidated the national debt. After his death (1429) his son Cosimo was imprisoned by the oligarchical opposition and in 1433 was banished. But in the following year the city finally revolted against the oligarchy, Cosimo was recalled and founded the popular Dictatorship which lasted until the extinction of the Medici family (1737).

If there was much turbulence and little of genuine 'democracy' in Florence there was no less of the one and no more of the other in the rest of the Italian Republics. Of these there were no fewer than 200 in the twelfth century, but few of them call for even passing reference in the present connexion. Not the least turbulent of them was Rome, which, despite the domination of the Papacy, still retained the skeleton of a city-republic. Here, as in Florence, patricians and plebs were in perpetual conflict; but the Pope was prince as well as bishop, and party fights, though noisy and disturbing, lacked something of reality. In 1143 Arnold of Brescia, an enthusiastic monk, and in 1347 Rienzi, attempted to clothe the skeleton of a republic with living flesh and blood, but neither could redeem Rome from anarchy, still less revive the ancient glories of the Republic. Rome, indeed, never possessed that powerful middle class which is an indispensable element in a Repub-

lic, and which long supplied the backbone to Florentine society. Neither the feuds of rival patricians, nor the periodical ebullitions of mob violence, availed aught save to demonstrate their impotence in face of the ever-growing power of the prince-bishop.

The power of the Emperor was less of a reality in Italy than that of the Papacy. Nevertheless, the prolonged contest between these co-heirs of the Roman Empire had an important effect upon the political development of the Italian Republics—especially in Lombardy. The beginnings of municipal independence in northern and central Italy may, indeed, be dated from the War of Investiture (1075–1122).

Among the Lombard cities the great city of Milan almost invariably took the lead.¹ The organization of the Commune at Milan was due to Archbishop Heribert (c. 1025). To him also was due the organization of the civic militia, perhaps the first meeting of a *parlamento*—an assembly of the host in arms—and certainly the invention of the *Carróccio*. The *Carróccio* was a big car drawn by oxen, and covered with the flags and armorial bearings of the city. The car was the rallying-point for the civic army in war. Trumpeters seated at the back of it sounded the advance or retreat. On a high pole in the centre was a figure of Christ with arms extended to bless the troops.

At an altar placed in front of the car a priest daily said mass. The *Carróccio* of Milan was in time copied by many other cities. Milan was the centre of resistance to Frederick Barbarossa (1152–90), and, though half Lombardy, towns as well as nobles, were on his side, inflicted on him a heavy defeat at Legnano (1176) and extorted from him a truce which after six years was confirmed by the Peace of Constance (1183). By that Treaty the Emperor, while reserving to himself the *regalia*—the right to forage, food, and lodging for his troops—and also the supreme appellate

¹ Recent research has thrown much light on the origin of the Commune in Milan, and has shown how the successive stages in constitutional development followed one another. Cf. Ginevra Zanetti (*Archivio Storico Lombardo*, 1932–3).

jurisdiction in the cities, confirmed their rights of self-government, including the mischievous right of private war.

That right the Communes did not fail to exercise, alike against each other and against the nobles. Thus Milan fought Cremona, Verona Padua, Piacenza Parma, Florence Lucca, and Sienna, and so on. In these inter-municipal wars no strict line can be drawn between Guelph and Ghibelline, between Papalists and Imperialists. Some cities were Ghibelline, some nobles were Guelph; nor can the wars be described as a conflict between Aristocracy and Democracy. If there be any clear line of division it is between militarism and industrialism, but even that is uncertain and blurred.

With the coming of the fourteenth century the fury of the civil wars palpably abated. The burghers who had hitherto fought their own battles were anxious to devote themselves to trade and money-making: the fighting was left to the *condottieri*—bands of mercenaries owing loyalty only to the professional soldier (*condottiere*) who enlisted and paid them. Their swords were at the command of the highest bidder, but the legend that their combats were bloodless has been exploded by modern research.

Bloodless or bloody the wars of the *condottieri* were fatal to municipal liberties—not least in Lombardy. Weary of faction fights, or exhausted by 'foreign' war, almost all the Lombard cities had by the beginning of the fourteenth century submitted to, or voluntarily invited, the Dictatorship of a master, some neighbouring noble maybe, or the captain of a band of alien soldiery. Of these lords the most powerful were the Visconti of Milan. The Visconti—an old family of large landed property on Lakes Como and Maggiore—first came into prominence as leaders of the aristocratic party in Milan against the Torriani, who, though nobles, championed the popular party. Pagano della Torre had rallied the Milanese after their crushing defeat by Frederick II in 1237, and had been appointed *Podestà*.¹ He

¹ In Milan, as elsewhere, the *podestà* was a foreign official imported

took office for the express purpose of carrying through a 'people's budget', by means of the *catasta*, a property tax imposed on all citizens. The Torriani held office, despite aristocratic opposition, for several generations, until they suffered defeat at the hands of the Visconti party in 1277. Otho Visconti, Archbishop of Milan, ruled the city with a firm but kindly hand for more than twenty years. Before his death (1295) he transferred his authority to his nephew Matteo, as *Capitano del Popolo*, and, save for two brief intervals, the Visconti continued to be lords of Milan until 1447. Giovanni, Cardinal-Archbishop, who succeeded a brother in 1349, found himself lord not merely of Milan, but of sixteen of the largest cities in Lombardy. Pope Clement VI ceded Bologna to him in 1352 and for a time Genoa also accepted the lordship of the Visconti. During the latter part of the fourteenth century there was hardly a tyrant in Italy who was not under their protection. Lords of Lombardy they aspired to the lordship of Italy, and so menacing was their power that, in 1368, Pope and Emperor actually combined to curb it. But this extraordinary combination effected little. In 1395 the Emperor, Wenzel, legalized the position of the Visconti in Milan by conferring upon Gian Galeazzo the title of Duke. Supreme in north Italy, Gian Galeazzo determined to make himself master of Tuscany as well. He isolated Florence by the capture of Pisa, Perugia, and Sienna, and Florence herself escaped only by the sudden death of the Duke in 1402.

His death brought a respite to Italy, and Florence utilized it to acquire Pisa and Leghorn. But in 1412 Filippo Maria, the second son of Gian Galeazzo, succeeded his brother Matteo II as Duke, and promptly resumed his father's ambitious policy which soon involved him in a long but profitless war with Florence and Venice. On his death in 1447 the male line of the Visconti came to an end. The succession was disputed, and the importance of the

into the city, and invested for a year with supreme executive power, with the object of allaying the strife of factions

claimants is eloquent testimony to the position now attained by Milan in the European economy.

The Emperor Frederick III claimed the Duchy as a lapsed Imperial fief, and Charles, Duke of Orléans, on the ground that his mother Valentina Visconti was the eldest sister of the late Duke. Philip Alphonso V of Aragon (I of Naples) also put in a claim on the ground that the Duchy had been bequeathed to him by the late Duke. These claims, though not at the time substantiated, are important by reason of the sustenance they subsequently afforded to the pretensions of the kings of France on the one hand and, on the other, to those of the Austro-Spanish Habsburgs, as heirs in title to Alphonso.

The succession to the Visconti was in fact secured after a brief struggle by Francesco Sforza, the husband of Filippo's only child—his illegitimate daughter Bianca. Sforza was a successful soldier of fortune, the protégé of Pope Eugenius IV, and the friend and ally of Cosimo de' Medici. He held the Duchy until his death (1466) and was succeeded in turn by two sons, but the second, Ludovico (*Il Moro*), was taken prisoner in 1500 by Louis XII of France, and for twelve years France was in occupation of the Milanese. By this time Italy was involved in the maelstrom of international rivalries and we can follow its fortunes no farther. Let it suffice to say that in 1512 the French were driven out of Italy by the 'Holy League', formed by Pope Julius II, and the Sforzas recovered Milan. In 1515, however, Francis I retrieved it by his brilliant victory at Marignano, and for the third time the French were masters of Lombardy. At Pavia (1525) the situation was reversed. Francis was defeated and taken prisoner by the Emperor Charles V. He had already restored Milan to the Sforzas, but with the death of Francesco Sforza in 1535 the dynasty came to an end, and Milan remained a dependency of Spain until in 1714 it was handed over to the Habsburg Emperors, who retained it (save during the Napoleonic occupation) until in 1859 it was annexed by Victor Emmanuel to the Italian kingdom.

The foregoing analysis yields only the faintest trace of Democracy as understood either in the ancient or the modern world. To the hotchpotch of medieval Italy Autocracy contributed a more important ingredient than Democracy, but for stability and efficiency none of the Italian governments could compare with the Venetian Oligarchy. The brilliant achievements of Florence in Art and Literature were the product, not, as is commonly represented, of Democracy, but of a vivacity of spirit, an alertness of mind, not to say a restlessness of temper which were as fatal to stability of government as they were favourable to creative and imaginative work.

If we could not find the origins of Democracy in the City-States of ancient Greece, still less can they be discovered in the Municipalities of medieval Italy. Democracy, as the modern world has come to understand it, is inseparably associated with a type of political formation unknown to the ancient world, and exceptional in the Middle Ages. Of the great states of the modern world England was the first to attain national unity, to develop the characteristic features of the Nation-State. It is to England, then, that we now turn to trace the development of modern Democracy.

VII. DEMOCRACY AND NATIONALISM

Parliamentary Government. The Tudor Dictatorship

THE history of the ancient world is the history of great empires. Nor was the City-State unknown to it. Of the Nation-State the ancient world was ignorant. The Roman Empire bequeathed to the world the idea of World Empire. That idea was, during the Middle Ages, represented, though imperfectly realized, in the Holy Roman Empire and the Catholic Church. Only as the oecumenical authority of those institutions weakened could independent Nation-States begin to emerge.

Of these the first was England. For the precocious development of England there were many reasons. Politically, no less than geographically, England occupied an exceptional position. The Church in England was from the first 'national in its exclusiveness as well as in its comprehensiveness' (Stubbs). An archbishop of Canterbury was in effect *alterius orbis papa*, as a Saxon king claimed to be *alterius orbis imperator*. When Parliament in 1534 passed the *Act of Supremacy* it merely gave legislative sanction to claims frequently asserted. 'We are by the sufferance of God King of England; and the Kings of England in times past never had any superior but God' So Henry VIII had written to Wolsey in 1515. His claim was well founded in history. England was outside the oecumenical system of medieval Europe. Other causes contributed to national unity: the Crown was exceptionally strong; the feudal nobles were exceptionally weak, not being permitted to exercise in England the disintegrating influence they exercised on the Continent; the administrative system was highly centralized, and the itinerant justices brought home to the remotest parts of the realm the authority of the Crown. From earliest times the people were familiarized, with the idea of representation in the local assemblies of

Hundred and Shire It was an easy step to bring representatives of shires and towns to Westminster, there to make to the Crown the financial grants hitherto obtained from them in their several Shire-courts

Thus the English Parliament came into being in the thirteenth century But in the matter of parliamentary representation England was not ahead of her neighbours Popular representation in Aragon dates from 1133 Deputies from the towns formed part of the Castilian Cortes in 1166, and at the Cortes held at Burgos in 1315 there were no fewer than 192 representatives from more than 90 towns—in addition, of course, to representatives of the noble and clerical estates The States General of France, a body representative of Nobles, Clergy, and Communes, was for the first time convoked by Philip the Fair in 1302 ¹ But the Cortes of Castile and Aragon ceased to function after the sixteenth century The *States General* never met in France between 1614 and 1789 The English Parliament, if not older than the central legislatures of France and Spain, has not only enjoyed a continuity denied to them, but has played in the nation's life a part incomparably more important

For this divergence of constitutional development there were many reasons one only is pertinent to the present argument Parliamentary representation in England was coeval with the achievement of national unity The Norman and Angevin kings had effectually suppressed the disruptive tendencies inherent in feudalism There was no great duchy, county, or province to dispute the authority of the king, or even to share jurisdiction with him From the thirteenth century onwards England was a nation.

France did not pass under the rule of a centralized monarchy until 1491, perhaps until 1532 ² It did not attain complete national unity until the Revolution obliterated the old *Provinces*, abolished the local *Parlements*, and

¹ Some authorities date parliamentary representation in France from 1241, others put it even earlier

² Not until 1532 was Brittany—the last of the great duchies and counties—formally annexed to the Crown

redivided France into modern *Departments*. One of the charges made against the *Girondins* was that they wished to federalize France. The nationalists prevailed, and from the Napoleonic era France emerged a unified and highly centralized Nation-State.

Since 1516 a single monarch has (with intervals) ruled Spain from Madrid; but Spain has never been unified as England and France and (much more recently) Germany and Italy have been. The War of the Spanish Succession, and the Peninsular War, demonstrated that provincial feeling had survived in Spain in amazing vitality. Contemporary events (1934) have proved it afresh.

The greater the degree of national unity the better the chance for Democracy of the parliamentary type. Towards the perfection of that type England was the first country in the world to move. All the elements of the Central Legislature—barons, bishops and abbots, knights and burgesses, together with representatives of the capitular and parochial clergy—were assembled in 1295 by Edward I.

In the course of the fourteenth century Parliament assumed its modern structure: the lower clergy dropped out of Parliament, preferring to make their grants to the Crown in Convocation, the knights of the shire joined the burgesses in the Lower House; peers, spiritual and temporal, formed a House of Lords. Thus, unlike the continental Legislatures, the English Parliament was almost from the first bicameral; but even more important than the bicameral structure was the coalescence of the townsmen with the squirearchy, or lesser nobility, in a House which though bearing the name of Commons (*Communes*) did not exclusively represent the towns.¹ By the end of the fourteenth century Parliament had not only assumed its modern form but had established certain fundamental rights and privileges: the exclusive right over taxation, the right to share with the Crown in legislation, and a right,

¹ For details cf. Marriott, *Mechanism of the Modern State*, vol. 1, chap. vii. On almost all these details there is dispute among specialists in medieval history; but discussion of such points is outside the scope of this book.

if not to control administration, to inquire into it, and call to account the king's ministers. }

The Revolution of 1399 which brought the Lancastrians to the throne had a threefold significance. First it registered a reaction against Lollardy alike as an ecclesiastical and a social movement. The propertied classes, clerical and lay, had been greatly alarmed by the mingled Communism and Protestantism which found expression in the Peasants' Revolt of 1381. Under the Lancastrians, more particularly during the rule of Archbishop Arundel, there was a distinct movement towards ecclesiastical orthodoxy, degenerating at times into cruel persecution of the Lollard heretics. Secondly, the Lancastrians came to the throne as champions of the principle of 'limited Monarchy', as opposed to the attempted absolutism of Richard of Bordeaux. Dynastically, however, Henry Bolingbroke was a usurper, and no genealogical manipulation, though ingeniously and repeatedly attempted, could make him otherwise. The domestic difficulties of his reign arose, indeed, primarily from the fact that he was at once a usurper and the representative of conservative principles and interests. Consequently, he was consistently deferential to Parliament, which was not slow to take advantage of the weakness of the Lancastrian title. Not only were the rights won in the fourteenth century maintained, but an attempt was made to secure to Parliament the actual appointment of the Council. Thus in 1404, 1406, and 1410 Henry IV nominated the members of his Council in Parliament, and on the death of Henry V it was Parliament which appointed the Privy Council to act as a Council of Regency during the minority of Henry VI. Even if we are forbidden by purists to discern in the Lancastrian Council the lineal ancestor of the Hanoverian Cabinet, it is indisputable that under Henry Bolingbroke and his son the centre of political gravity was in Parliament. 'Never before', says Bishop Stubbs, 'and never again for more than two hundred years were the Commons so strong as they were under Henry IV.'

The result of this constitutional development was not

immediately encouraging. The pace had been far too rapid. Parliamentary institutions provide an efficient system of government only if they correspond to the social and economic development of the body politic. An enlightened electorate is as essential to the success of parliamentary government as a wisely constituted legislature. To give the strong meat of Representative Government to babes whose appropriate diet is milk is to commit one of the gravest of errors. England did not escape the penalty, which invariably awaits premature constitutional development. The history of the fifteenth century proved to demonstration that 'the nation was not yet ready for the efficient use of the liberties it had won'. 'Constitutional progress had outrun administrative order' (The phrases are Bishop Stubbs's.) The painful result was seen in the complete disintegration of society. The so-called 'Wars of the Roses' were only colourably dynastic. They represented in reality the concentration, under Yorkist and Lancastrian chieftains, of many private wars and faction fights. Noble was at war with noble: the Earl of Northumberland with the Earl of Westmorland; the Earl of Devon with Lord Bonneville, and so on. County was at war with county: the men of Cheshire, for example, 'invaded' Shropshire; Archbishop Kemp's tenants at Ripon fought the king's tenants of Knaresborough Forest. The wearing of the Red Rose or the White, if not quite accidental, was at least a secondary consideration.

Private armies and local wars were natural incidents arising from the revival of a 'bastard' type of feudalism.) The emergence of 'the overmighty subject' was deplored by contemporary observers as the most serious and sinister feature of that 'unquiet time'. 'Certainly ther may no grettir perell growe to a prince than to have a subgett equepolent to hymself.'¹ Thus wrote Sir John Fortescue, the tutor to the young Prince Edward of Lancaster, Lord Chief Justice of the Court of King's Bench (1442), and author of more than one learned treatise on the

¹ Cf. *The Governance of England* (ed. Plummer), Oxford, 1885

government of England The truth of Fortescue's aphorism is amply substantiated by much contemporary evidence, notably by the correspondence, happily preserved, which passed between the members of the Paston family The Pastons were Norfolk squires of good estate and high cultivation, and their letters present a wonderfully vivid picture of the social conditions of their day They make frequent reference to the 'lack of governance' deplored by Fortescue, to the utter confusion of society, the paralysis of law, the dislocation of trade, and the resulting poverty of the Crown, above all to the evils arising from the 'maintenance' by great barons of large bodies of retainers who wore their livery, and fought their battles, and, in return, were shielded by their powerful patrons from the punishment their misdemeanours deserved¹ The break-down in the administration of justice was, indeed, one of many deplorable results of a weak Executive. juries were intimidated, sheriffs were bribed, even the king's judges were notoriously corrupt Evidently the nation called for reformation and discipline Parliamentary government, the best of governments under appropriate conditions is, if prematurely adopted by, or heedlessly imposed upon a nation, indisputably the worst The England of the fifteenth century called for a strong ruler, a saviour of society, a dictator The victor of Bosworth Field answered the call

For a century England was committed to the dictatorial rule of the Tudors Their rule precisely fulfilled the conditions of a 'Constitutional Dictatorship' of the earlier Roman type The office was conferred upon an individual, or a series of individuals, for a definite purpose, to deal with an emergency in national affairs, it was limited in duration, and it was in the broadest sense based upon popular goodwill

The
Tudor
Dictatorship
1485-
1588

The general circumstances in which the experiment was tried were eminently favourable to its success In the first place the Crown had no serious competitor for popular

¹ For a vivid picture of society in the fifteenth century, cf Bulwer Lytton, *Last of the Barons*

favour. The Baronage was depleted in numbers, and politically discredited. Whether its numerical attenuation can be attributed, as is generally supposed, to the Wars of the Roses is a question open to dispute; but it is beyond dispute that those aristocratic faction fights had destroyed for the time being the political power and prestige of the English Baronage.

The Church was in no better plight. The cup of its unpopularity was almost full long before the matrimonial entanglements of Henry VIII dictated the necessity for a breach with the Papacy. The fifteenth century had really marked the nadir point of its spiritual influence and its social utility. Lollardry if not stamped out by the Lancastrian persecution had at least been crushed into quiescence. The Church at large, however, suffered from the process even more than the Protestants, for spirituality was strangled by persecuting orthodoxy. Thus the Church also was prostrate at the feet of the Crown and powerless to resist its will.

The third estate had not yet come into its heritage. The ultimate effect of the Tudor régime was to strengthen the position of the House of Commons, and of the social classes from which it derived its strength. But for the moment the Commons were powerless to withstand the dictation of the Crown. Internally unorganized and leaderless, they had lost something also of external support. The people at large were weary of the social anarchy to which the Lancastrian experiment had reduced them, and many of them by the restrictive legislation¹ of Henry VI had lost the Parliamentary franchise. But the circumstance most favourable to Tudor ambition was the increasing absorption of the people in commercial pursuits, and a quickening apprehension of the fact that strong government was essential to success in trade. 'The Tudor monarchy', writes Mr. Goldwin Smith,² 'rested on the middle classes, which, being commercial and industrial, welcomed after the Civil War a strong government, thinking less for the moment

¹ Confining the County franchise to 40s. Freeholders

² *The United Kingdom*, i 259

of political liberty than of liberty to ply the loom, speed the plough, grow the wool, and spread the sail' And the Tudors clearly realized the importance of advancing the interests of this class 'He ever strove', wrote Bacon of Henry VII, 'that merchandize being of all crafts the chief craft, and to all men most profitable and necessary, might be the more plentifully used, haunted and employed in his realms and dominions.'

Tudor government, while conforming in general to the principles of a Dictatorship, had characteristics of its own which distinguish it from similar experiments in other countries and at different periods.

Not the least important is the fact that the Tudor régime involved no breach in the continuity of constitutional development That Parliament exercised any effective control over the Crown, at least under the first two Tudors, cannot be asserted But it was not superseded there was nothing in the nature of a constitutional hiatus.

During the twenty-four years of Henry VII's reign there were seven Parliaments with ten sessions, during the thirty-eight years of Henry VIII's there were nine distinct Parliaments; and of these one sat for seven years, and two others sat for three¹ During the short reigns of Edward VI and Queen Mary Parliament was practically continuous The first Parliament of Edward VI held four sessions extending over nearly five years, the second had one. In the five years of Mary's reign there were five Parliaments; 'there is one thing, however, greatly commendable in the government of Queen Mary, which was reviving the ancient constitution of annual Parliaments'²

Elizabeth, being far more economical than any of her predecessors, had less need of Parliaments, but she 'summoned ten Parliaments, which held in all thirteen sessions Parliament met, therefore, on the average about once in every three and a half years'³ But though Parliament met

¹ Stubbs's *Lectures*, p. 269

² *Parliamentary History*, III 340, but there was no Parliament 1556-7

³ Prothero, *Statutes and Documents*, p. lxii

irregularly Elizabeth, and indeed all the Tudors, gave it plenty to do. Bacon's sagacious advice to James I was really based upon Tudor practice:

'Look on a Parliament as a certain necessity, but not only as a necessity; as also a unique and most precious means for uniting the Crown with the Nation, and proving to the world outside how Englishmen love and honour their King, and their King trusts his subjects. Deal with it frankly and nobly as becomes a king, not suspiciously like a huckster in a bargain. Do not be afraid of Parliament. Be skilful in calling it; but don't attempt to "pack" it. Use all due adroitness and knowledge of human nature, and necessary firmness and majesty, in managing it; keep unruly and mischievous people in their place, but do not be too anxious to meddle, "Let nature work"; and above all, though of course you want money from it, do not let that appear as the chief or real cause of calling it. Take the lead in legislation. Be ready with some interesting or imposing points of reform or policy, about which you ask your Parliament to take counsel with you. Take care to "frame and have ready some commonwealth bills, that may add respect to the King's government, and acknowledgement of his care; not *wooing* bills to make the King and his graces cheap; but good matters to set the Parliament on work, that an empty stomach do not feed on humour".'

Nor was Parliament idle when it did meet. On the contrary the sixteenth century is remarkable for legislative fertility. The additions to the Statute-book were, as Dr. Prothero points out, 'more copious and not less weighty than in any previous age'.² Professor Martland is equally emphatic. 'The part', he writes,³ 'which the assembled estates of the realm have to play in the great Acts of Henry VIII may in truth be a subservient and an ignoble part, but the Acts are great and they are all done by the authority of Parliament.' To illustrate this point in detail would be beyond the scope of the present chapter. It is enough to recall the great mass of social and economic legislation enacted by the Parliaments of Henry VII: a

¹ Dean Church's *Bacon*, p. 122

² *Op cit*, p. xxiv

³ *Ap Social England*, II 477

whole series of Navigation Acts, Acts for the protection of English industry, Acts for securing the purity of the coinage, or for maintaining a standard of weights and measures; Acts for the regulation of wages and the general conditions of labour; Acts for the encouragement of tillage and the suppression of vagrancy. Still more imposing and important is the series of ecclesiastical statutes passed by Henry VIII, Somerset, Northumberland, and Queen Mary. Hardly less important was the social legislation of this period. Henry VIII's Statute of Uses, Queen Elizabeth's Statute of Apprentices, and the long series of enactments for the repression of the evils of vagabondage and for the relief of the impotent poor—a series which culminated in Elizabeth's great Poor Law of 1601. The Crown cannot indeed be accused of unreadiness to bring forward 'interesting or imposing points of reform', nor can Parliament have had much time to feel the pangs of 'an empty stomach', or to 'feed on humour'. If only the Stuarts had taken to heart the wise lessons which Bacon was willing to teach them from the stores of his Tudor experience the history of the seventeenth century might have worn a very different complexion.

It was not only upon legislative activity that Bacon laid stress. 'Use all due adroitness and knowledge of human nature, and necessary firmness and majesty, in managing it.' The Tudors were by general admission extraordinarily adroit in their management of Parliament.

Take the position of the House of Lords. Reference has already been made to the attenuation of the lay Baronage alike in numbers and prestige. In the first Parliament of Henry VII there were, for various reasons, only twenty-nine lay Peers, in the first Parliament of Henry VIII there were but thirty-six, and in that of Elizabeth forty-three. Elizabeth nearly doubled the numbers of the lay Peerage, so that James I could on his accession summon over eighty. Not only did the new creations counterbalance the 'feudal' tendencies of the older baronage but under the Tudors, at any rate, they greatly strengthened the Crown. They

needed time before they found their political legs in the Upper House. They were not long in doing so under the Stuarts. There remain to be considered the Spiritual Peers. During the reign of Henry VII and the first part of Henry VIII they far outnumbered their lay brethren; but the dissolution of the abbeys reduced their number from forty-eight (ultimately) to twenty-six, the figure at which they still remain.¹ The mitred abbots had been probably the most independent element in the House of Lords under the early Tudors. They disappeared, however, in 1536, while the Bishops were by the Act of 1534 reduced to still further dependence on the Crown. From a House thus constituted—a House which from this time onwards becomes almost exclusively secular and hereditary in character—the Crown had little opposition to fear in the sixteenth century. Nor was there any striking development in this respect discernible during the period.

With the House of Commons it is otherwise. The difference of temper displayed by the Commons in the earlier and later years of the century is immensely significant. At neither period is it accurate to describe it as 'disgracefully subservient and sycophantic', nor can it be fairly described as 'packed'. But if not 'servile', it was usually submissive, and if not 'packed', its numbers were considerably increased under the Tudors. Thus in 1543 Henry VIII added thirty-two knights and burgesses 'by bestowing representation on the towns and counties of Wales, on Calais, and Chester'. 'Preston also, Lancaster, Thetford, Orford, Berwick, and possibly one or two more towns, gained the privilege of representation.'² Eighteen new parliamentary boroughs were created under Edward VI. Some of these were, as Professor Pollard points out, towns like Wigan, Liverpool, Peterborough, Thetford, and Westminster, which 'were certainly entitled by their growing population and importance to elect members to Parliament, and their creation,

¹ Until the abolition of the Bishopric of Westminster (Ed VII) there were twenty-seven; and from the Irish Union to the Disestablishment of the Irish Church, thirty.

² Stubbs's *Lectures*, p. 271.

so far from being evidence of a design to pack the House of Commons, really indicates the adoption of a liberal policy which had to wait three centuries for its consummation¹ Most of the new boroughs were, indeed, in Cornwall, and though there were many rapidly rising towns in that county—especially the fishing towns on the coast—it is difficult to resist the conclusion that Cornwall was specially favoured as a royal Duchy, and as being, on that account, particularly amenable to Crown influence Queen Mary created fourteen new boroughs, while Queen Elizabeth added to the House of Commons no less than sixty-two new members Thus during the century the membership of the Lower House was nearly doubled But Dr Prothero, than whom there is no higher authority, repudiated with emphasis the sinister interpretation which by the older generation of historians was placed upon this fact ‘The main reason’, as he pointed out, ‘for the large increase is probably to be found in the growing prosperity of the country, and in the reliance which the Tudors placed on the commercial and industrial classes’²

It is urged, however, that even if the creation of new boroughs can be satisfactorily and even honourably accounted for, we cannot dismiss the charge of direct interference with freedom of election. The Tudors, it is said, secured subservient Parliaments by bringing pressure to bear upon returning officers and upon electors There was, unquestionably, a regular form which, with some variations to suit particular occasions, was issued by the Government to the sheriffs on the dissolution of each Parliament But it is not easy to decide how far these letters of advice or instruction really carried In some cases the instructions appear to be quite general, bidding the freeholders elect ‘men of knowledge and experience’ In others they are much more precise Thus Northumberland in 1553 actually gave the names of those whom the Crown wished to be returned Again in 1554 Queen Mary required the sheriffs

¹ Pollard, *England under Protector Somerset*, p 70

² *Statutes and Documents*, p lxxi

to admonish the electors to choose 'such as being eligible by order of the laws were of a grave, wise and catholic sort'. In 1570 Queen Elizabeth complained that 'though the greater number of knights, citizens and burgesses for the most part are duly and orderly chosen, yet in many places such consideration is not usually had herein as reason would, that is to choose persons able to give good information and advice for the places for which they are nominated, and to treat and consult discreetly upon such matters as are to be propounded to them'. The Queen accordingly appointed Archbishop Parker and Lord Cobham to confer with the returning officers in Kent, and take care that the persons returned 'be well qualified with knowledge, discretion, and modesty'. Her successor similarly admonished the electors 'to avoid the choice of any persons either noted for their superstitious blindness one way or for their turbulent humours other ways'. It is difficult to decide how far these admonitions actually served to secure subservience in the faithful Commons; but two facts certainly emerge; first that the Tudor sovereigns did, in the main, secure Parliaments in accord with their own views, and secondly, that the Stuarts, employing precisely the same methods and machinery, did not. Perhaps, after all, the simplest explanation may be the true one—that the Tudor Parliaments were 'subservient' to the Crown because they believed that the several sovereigns of that line did faithfully and honestly seek to promote the well being, and even carry out the will, of the people over whom they ruled.

Whatever be the truth as to the amount of influence, innocent or corrupt, exercised by the Tudors, it cannot be denied that they were singularly adroit in the management, if not the manipulation, of Parliament. They never raised unnecessarily a point of principle, and they invariably took the line of least resistance. The consequence was that the actual collisions between Crown and Parliament were as rare under the Tudors as they were common under their successors .

Take the question of taxation—the most fertile of all the sources of dispute between the Stuarts and their Parliaments. Of Tudor methods there is no better illustration than their financial policy. Without direct violation of the theoretical rights of Parliament the Tudors contrived in practice to make themselves independent of parliamentary control. The different sovereigns attained this end by various means. Henry VII amassed a large fortune by strict parsimony, by making his wars pay, by fines, forced loans and benevolences, and most of all, by wise economic legislation which immensely increased the prosperity both of the people and the Crown. Henry VIII was temporarily enriched by the spoils of the abbeys, and also secured parliamentary sanction to the repudiation of his debts. Queen Elizabeth's independence, so far as she enjoyed it, was due mainly to her consistent frugality. When war involved her in large expenditure she ceased to be independent. Her loans were generally repaid.

If, then, the Tudors evaded for the most part parliamentary control they managed to do it without serious conflict on the fiscal issue. If we except the matter of monopolies, ended by Elizabeth's graceful concession, there was only one definite quarrel on a taxative question between the Tudors and their Parliaments—that in 1523, and it is noticeable that not even the personal intervention of Cardinal Wolsey could, on this occasion, wring from the Commons more than a moiety of the large sum (£800,000) demanded for the war. Then, as always, the Government had to get money, but they got it by means which, however disagreeable to individuals, did not raise awkward constitutional questions, nor violate established rights.

Similarly in regard to Legislation. No attempt was made to question the formal supremacy of Parliament, but the Crown enjoyed none the less all the power it wanted. Positively it possessed then, as now, the immense advantage of the initiative. Negatively, it could veto any measure it disliked, or short of this could bring pressure to bear on individual members to withdraw the obnoxious bill. Queen

Elizabeth even went so far as to commit recalcitrant members like Strickland and Peter Wentworth to prison. The Crown also freely exercised the power to issue Proclamations having, within certain limits, the power of laws¹

Precisely parallel was their treatment of the delicate question of parliamentary privilege. Henry VIII was technically accurate when he wrote to the Pope in 1529: 'The discussions in the English Parliament are free and unrestricted; the Crown has no power to limit their debates, or to control the votes of their members.' But his letter should be read in close conjunction with Queen Elizabeth's famous warning to her faithful Commons in 1593

'To your three demands the Queen answereth . . . Privilege of speech is granted, but you must know what privilege you have; not to speak every one what he listeth, or what cometh in his brain to utter that, but your privilege is, *aye* or *no*. . . To your persons all privilege is granted, with this caveat, that under colour of this privilege no man's ill-doings or not performing of duties be covered and protected. The last, free access is granted to Her Majesty's person, so that it be upon urgent and weighty causes, and at times convenient, and when Her Majesty may be at leisure from other important causes of the realm'²

This is admirably illustrative of Tudor methods: no infraction, be it observed, of constitutional privileges, no violation of the law, but strict limitation of the sphere of privilege, and dexterous evasion of legal restraints

Apart from these things, the Tudors enjoyed in their dealings with Parliament other advantages which demand brief mention. The first was the virtual nomination of the Speaker of the House of Commons. The Speaker's position in the House of the sixteenth century was, of course, entirely different from what it is to-day. His control of the proceedings was all but absolute, and until the development of the ministerial system he was the sole channel of

¹ 'To abolish the use of proclamations would have in these days rendered government almost impossible' Pollard, *Somerset*, p. 64

² *D'Ewes Journal*, p. 460

communication between the House and the Crown. How great was the importance attached to the election of a Speaker well affected towards the Crown may be seen from Clarendon's estimate of the damage inflicted on the King's cause in 1640 by his failure to secure the election of his nominee as Speaker. Clarendon refers to the matter as 'an untoward, and in truth an unheard of accident, which broke many of the King's measures, and infinitely disordered his service beyond a capacity of reparation'. Clarendon's estimate may be exaggerated, but the notes of parliamentary debates under the Tudors afford ample evidence of the great services rendered to the Crown by successive Speakers.

Hardly less important than the nomination of the Speaker was the increasingly frequent presence of the members of the Privy Council—the trusted servants of the Crown—in one or other House of Parliament. The books, indeed, teach us that the presence of ministers in the English Parliament is at once the symbol and the seal of the control of the legislature over the Executive. It was not so regarded by our forefathers, and in the sixteenth century its significance was all the other way. It was a powerful instrument in the hands of the Executive for influencing the legislature. Is it certain that even now the 'books' are right? Were the fathers of the American Commonwealth altogether unwise in their generation? The increasing power of the Executive in the sphere of legislation no less than in that of administration is, perhaps, the most significant of the constitutional symptoms of to-day. And to suppose that in the sixteenth century Parliament pretended to any effective control over the Executive, or that the presence of the ministers indicated any tendency in that direction, would imply an absurdly anachronistic reading of history. Dr Prothero has extracted from the State Papers an interesting memorandum on the duties of a Secretary of State under Queen Elizabeth. Cabinet ministers of to-day would read it with envy. Doubtless Mr Peter Wentworth, Mr Cope, and Mr Strickland were

tiresome persons in their way, but they were mere tyros in the art of parliamentary 'heckling', and they were at one terrible disadvantage as compared with their modern counterparts. No 'papers' were ever laid on the table of the House. No 'reports' were presented to Parliament. Under these circumstances it would tax the ingenuity even of the most accomplished critics of the Executive to carry on their persistent fusillade. Nor has the most autocratic of modern ministers ever ventured to re-echo the language of the Lord Keeper of 1593:¹

'Wherefore, Mr. Speaker, her Majesty's pleasure is, that if you perceive any idle heads, which will not stick to hazard their own estates, which will meddle with reforming the Church and transforming the Commonwealth, and do exhibit any bills to such purpose, that you receive them not, until they be viewed and considered by those who it is fitter should consider of such things and can better judge of them'

Such was the character of the 'disciplinary' process applied by the Tudor sovereigns to Parliament in the sixteenth century. And the discipline was entirely effective. Parliament emerged from it not weakened or emasculated—as from the 'constitutionalism' of the Lancastrian kings—but braced, stimulated, and invigorated; well equipped for the work which it fell to it to do; ready for the protracted contest with the luckless sovereigns who inherited the Tudor throne, but were not permitted to succeed to the Tudor monarchy.

The discipline of Parliament was only one side of the Tudor Dictatorship. Not less important was their thorough reorganization of Local Government. It was in this sphere that the Lancastrian break-down had been most distressing and complete. The feudal organization, both administrative and judicial, had fallen into decay in the fourteenth century; but there still survived, though in a mangled form, remnants of the popular prefeudal courts, the old English system upon which feudalism had been superimposed. The sheriff, though stripped of many of his

¹ *D'Ewes Journal*, p 460

functions, still remained to preside over parliamentary elections, and with him and for the same reason the ancient court of the Shire. Thanks to the persistence of the parish priest in his contest with the feudal baron, the parish meeting also survived, although its ecclesiastical connexion had given it the name of Vestry. But neither Shire-court nor Vestry had any genuine vitality. Power was passing into new hands. Under the later Plantagenets a new functionary had appeared known originally as the *Guardian* and later as the *Justice of the Peace*. From these elements the Tudors evolved their new system of local government. With their sure instinct for the vitalities they took the *Parish* as their administrative unit, and they made the Justice of the Peace their man-of-all-work. They thus laid the foundation of the system under which rural England was governed, and in the main admirably governed, until the last decade of the nineteenth century. Lambarde, writing under Queen Elizabeth, complains that he and his brother magistrates were burdened with 'stacks of statutes'. There was some justification for his groans. Henry VII passed twelve, Henry VIII no less than fifty, Edward VI nineteen, Queen Mary nineteen, and Queen Elizabeth fifty-four statutes (down to 1579 only) affecting in one way or another the functions of this overburdened official. Well might Sir Thomas Smith, also writing under Queen Elizabeth, declare that 'the Justices of the Peace be those . . . in whom the Prince putteth his special trust'.

The Justice of the Peace was at once judge, policeman and administrative man-of-all-work, he was responsible for the trial of criminals, for the maintenance of order, and for carrying into effect that huge mass of social and economic legislation which was particularly characteristic of Tudor rule. In his own parish he sat alone and tried petty cases without a jury, four times a year he met his brother magistrates of the whole county in Quarter Sessions, later on (in 1605), an intermediate division was created in which he sat with two or more brethren in Petty Sessions. But his special significance in relation to the Tudor Dictatorship

consists in the multitude of administrative duties which he was expected to perform. He had to fix the rate of wages for servants and labourers; to bind apprentices and cancel indentures, to fix the prices of commodities; to appoint and dismiss constables; to see to the maintenance of jails and bridges and highways; to supervise the payment of pensions to maimed soldiers and sailors; to determine all questions of settlement and affiliation; to search out recusants and enforce the law against them, and to see that Sunday was properly observed. He was the sole sanitary authority, the sole licensing authority (for all trades except monopolies), and the chief poor law and vagrancy authority. Such were some of the many duties under which Lambarde groaned. And no shirking was possible, for at every assize the Clerk of the Peace had to hand in a certificate giving the names of all Justices absent from Quarter Sessions since the last assize, and the Judge had to examine into the cause of absence, and report thereon to the Lord Chancellor.

The work of the Justices was, on the whole, admirably done: out of the weltering chaos of the fifteenth century social order was gradually evolved. It was good for the country, and it was good for the Justices. If we seek an explanation of the contrast between the turbulent neo-feudal barons of the fifteenth century—the Nevilles, the Percies, and the like, and the legally minded squires of the seventeenth century—the Pymms, Eliots, and Hampdens—it will be found in the discipline and training of the Tudor J.P. 'Nothing', writes Dr. Prothero, 'could so well have prepared the country gentry and the burgesses of the great towns for the share they were to take in the Parliaments of the coming age'¹

From the Justice of the Peace and the reorganization of Local Government to the place of the Prerogative Courts in the Tudor economy involves a transition less abrupt than it appears. Nothing is more characteristic of the Tudor Dictatorship than the expedients to which they

¹ *Statutes and Documents*, p. cxiv

resorted for asserting the supremacy of law. The ordinary courts had, as we have seen, completely broken down in the fifteenth century: the administration of justice had been reduced to a farce by the system of maintenance, and by the rude domination of the 'Overmighty Subject'. The first and most obvious duty of any Government worthy of the name was to secure respect for the law of the land. This the Tudors did by the erection of a large number of extraordinary tribunals with special or local jurisdiction. Such was the Council of the North which was established by Henry VIII in 1539, and which exercised jurisdiction over the five northern shires, Northumberland, Durham, Cumberland, Westmorland, and York. According to the instructions issued in 1603 its main objects were 'the just government of our people and subjects of the north parts of this our realm of England, and for the good and speedy administration of justice to be there had between party and party'. The powers of the Court were indeed so wide that it might fairly be described as the Star Chamber of the North. But the Council of the North did not stand alone, similar powers were conferred upon the Council of Wales, with jurisdiction over Wales and the border counties, and upon the Court of the Castle Chamber in Ireland.

But of these extraordinary tribunals the most famous, and the most important, was the Court of the Star Chamber.¹ The controversies which still rage as to the legal position of this Court are outside the scope of this work. Whether the Act of 1487 did or did not create a new Court; whether this Court was or was not identical with the later Star Chamber, what was its precise relation to the Privy Council—these are questions which have exercised the minds of the jurists from the days of Lambard and Sir Thomas Smith, of Bacon and Coke, to those of Hallam and Dr Busch, of Dr Prothero and Dr Tanner. The best opinion is that the Act of 1487, like many previous Acts

¹ On the Star Chamber, cf. *Select Cases* (Selden Society), ed. I. S. Leadam, and Tanner, *Tudor Constitutional Documents*, pp. 249 f., where the relevant documents will be found.

passed under the Lancastrians, was intended to give statutory sanction to certain common-law powers exercised by the Privy Council, and at the same time to hand over the exercise of those powers to a special committee composed only in part of Privy Councillors. But, leaving aside these technical details, it is essential to understand the place of the Star Chamber Court in the dictatorial scheme of the Tudor sovereigns. 'Composed of three royal officials, the Chancellor, the Treasurer, and the Keeper of the Privy Seal, of one Bishop, one temporal Peer, and two Judges, the Court was intended to supplement the obvious deficiencies of the ordinary courts, to assist in the restoration of social order, and above all to bring to justice those powerful and highly placed offenders who had long defied the King's ordinary courts. It was extraordinarily successful in attaining these objects, and won golden opinions from men of the most opposite opinions.' 'Si vetustatem spectemus est antiquissima;' wrote Camden, 'si dignitatem honoratissima.' Lambarde writes almost ecstatically 'of this most noble and praiseworthy Court, the beams of whose bright justice, equal in beauty with Hesperus and Lucifer, do blaze and spread themselves as far as the realm is long and wide, and by the influence of whose supereminent authority all other courts of law and justice that we have are both the more surely supported and the more evenly kept and managed'. Sir Thomas Smith commends it as able 'to bridle such stout noblemen or gentlemen which would offer wrong by force to any meaner men' 'This Court', wrote Lord Bacon, 'is one of the sagest and noblest institutions of this kingdom.' His eulogy we might expect; but far more remarkable is that of his great opponent, Chief Justice Coke. 'It is the most honourable Court (our Parliament excepted) that is in the Christian world, both in respect of the judges of the court, and of their honourable proceeding according to their just jurisdiction and the ancient and just orders of the Court . . . This Court, the right institution and ancient orders thereof being observed, doth keep all England in quiet.' Nor is

there any reason to doubt that it was as popular with the people, particularly the poorer sort, as it was with the jurists 'The Star Chamber', writes Professor Pollard, 'found its main difficulty in the number of suitors which flocked to a Court where the King was Judge, the laws' delays minimized, counsel's fees moderate, and justice rarely denied merely because it might happen to be illegal '1

Thus the Court of the Star Chamber and the Prerogative Courts completely fit in to the general frame of the Tudor Dictatorship. They are extraordinary expedients designed to meet temporary needs, and they are popular. No doubt they lopped off the heads of the exceptionally tall poppies; but so long as you were not a poppy and did not grow too tall you had little to complain of in Tudor justice.

It is, however, of the very essence of a Dictatorship that it should not be prolonged beyond the period of obvious crisis and necessity. This was the rock upon which the Stuart Monarchy foundered. The Stuarts could never understand the conditions upon which power—almost absolute—had been entrusted to their predecessors. The consequence was that under them the machinery of a Dictatorship was converted into an engine of despotism. That is why institutions like the Star Chamber have in the ears of most people an ill-omened sound, they remember their misuse under the Stuarts, they forget their general and popular utility under the Tudors. That was why, when the day of reckoning came, when the Long Parliament met, not a voice was raised against the destruction of institutions which in their day had done admirable service. The Council of the North, the Court of the Welsh Marches, the High Commission Court, the Castle Chamber, and the Star Chamber were all flung overboard amid hearty applause from Hyde and Falkland, no less than from Hampden and Pym. The truth, always to be emphasized, is that the Tudor Dictatorship was not merely tolerated but welcomed, because men felt that it was a temporary expedient for critical times. The sixteenth century was, indeed, a period

¹ *Henry VIII*, p. 26

of crisis, or rather of successive crises. The first crisis was dynastic. Could the new dynasty be firmly established on the throne, and the recurrence of civil war averted? The apprehension of this crisis had more to do with the divorce project than is commonly supposed. Before the dynastic crisis had passed we were involved in an ecclesiastical crisis. Parallel with that there was the economic crisis due to the agrarian revolution. Close on the heels of both these came the political crisis, which arose from the general European situation, and which reached its climax on the accession of Queen Elizabeth. With the European problem there was another and larger question involved. The struggle between England and Spain extended from the old world to the new, the contest between the forces of Protestantism and those of the Catholic reaction was merged in a contest between England and the Latin peoples for Colonial and maritime ascendancy. That contest belongs to a later period which opened with the defeat of the Armada. But if the Armada opened a new period in English history it closed the period covered by this chapter. It definitely brought to an end the Tudor Dictatorship.

The Armada was in every sense epoch-making. It set the seal upon the English Reformation; it decided the fate of the United Provinces, it is a landmark in the history of English commerce; it is the real starting-point of our Colonial and maritime supremacy; above all, it is the goal of the Tudor Monarchy. Thanks to the consummate tact, to the political insight, to the quick sympathy and, above all, to the firm rule of the Tudor sovereigns, the nation passed through the crises of the sixteenth century not merely unscathed, but strengthened and invigorated, and well prepared to take upon itself the grave responsibilities of self-government. The new spirit of political independence had, indeed, begun to manifest itself sometime before the end of the reign of Queen Elizabeth. There were differences of opinion between Queen and Parliament on many questions; on the question of the succession; on the question of religion, on the question of privilege; on the

question of monopolies But on neither side was there a disposition to carry matters to extremities; mutual concessions were gracefully made, and differences were not permitted to develop into disputes No one can read the famous *Apology* of 1604 without realizing that there was on the part of Parliament a conscious postponement of an inevitable struggle After pointing out with great frankness that King James, despite his 'rare wisdom and understanding', had been gravely misinformed as to the rights and privileges of the English Parliament, the *Apology* proceeds

'Beside that, in regard of her [Queen Elizabeth's] sex and age which we had great cause to tender, and, much more, upon care to avoid all trouble which by wicked practice might have been drawn to impeach the quiet of your Majesty's right in the succession, those actions were then passed over, which we hoped in succeeding time of freer access to your Highness of renowned grace and justice to redress, restore and rectify.'

In plain English, we deliberately postponed the assertion of our rights because we did not wish to disturb the closing years of the reign of a Queen who had done great things for England }

The Tudor Dictatorship was evidently over, the Tudors had done their work so thoroughly and so successfully that they had rendered unnecessary and indeed impossible the continuance of their 'dictatorial' rule Hence the difficulty of the problems bequeathed by them to the Stuarts The solution of those problems—even the apprehension of them—demanded statesmanship of the highest order, it is not uncharitable to say that the Stuarts were unequal to the demand Not that the Tudors have escaped criticism. The idea of a 'benevolent dictatorship' has not obtained general acceptance Many critics have seen in Henry VII nothing but a grasping and avaricious tax-collector; in Henry VIII nothing but a bloated tyrant, and the husband of too many wives; in Queen Elizabeth nothing but a vacillating and procrastinating dissembler, a coquette consumed by vanity, a close-fisted virago whose natural

frugality hardened into parsimony and whose meanness endangered the safety of the state. There was, indeed, much in the personal character of both Henrys that was ignoble; much in the weakness of Queen Elizabeth that was contemptible. But it is a gross misuse of the critical faculty to dwell exclusively on the worst features of the personages and periods of the past. The more strictly we adhere to the scientific method in history, the more clearly does research reveal to us the secrets of the sixteenth century, the more inexorably are we constrained to regard the Tudor period not as that of an intrusive despotism, still less of a blasting tyranny, but as a period of phenomenal national expansion under the guidance of a Dictatorship which was, on balance, unmistakably beneficent.

VIII PARLIAMENTARY DEMOCRACY

Cabinet Government

DICTATORSHIP is the appropriate, if not the inevitable, corrective of premature development A lanky schoolboy needs time to 'fill out'. Lancastrian England outgrew its strength. Consequently it suffered humiliation abroad, and at home resulted in social disintegration. A weak government lost the French provinces (1453), and allowed the faction fights of 'overmighty subjects' to develop into the 'Wars of the Roses'.

To the overgrown schoolboy the Tudors administered a strong tonic. Without any violation of constitutional forms they infused into the administration a new spirit, they imparted to the executive the strength which in the preceding period it sorely lacked. / Thus in the sixteenth century there came to the birth a new nation, politically and socially, if not ecclesiastically, united. Feudal turbulence was finally crushed. A new nobility, enriched by the spoils of the monasteries, arose on the ruins of the feudal baronage. An agrarian revolution completed the destruction of the manorial economy, begun in the fourteenth century by the Black Death and the Peasants' Revolt. A strong middle class established itself, recruited in part from the yeoman farmers growing rich by the production of wool, and partly from the merchants growing still richer by selling it. Sir Thomas More, Bishop Latimer, and other contemporary observers lamented that men were evicted to make room for sheep. There was, indeed, much suffering among the poor. Many peasants were divorced from the soil. Enclosures involved rural unemployment. / New social and economic problems emerged. The State was compelled for the first time to assume responsibility for the destitute. The new world flooded the old world with silver, the currency depreciated, prices rose, wages lagged behind, /
/ On the other hand, the great geographical discoveries

had revolutionized the position of England in world economy. The 'third rate isle half lost among her seas' had become literally the centre of the world. Thanks to the foresight of Henry VIII a Royal Navy came into existence. Commercial voyages—hardly known before 1500—multiplied rapidly. English seamen sought new routes. Protestantism supplied a fresh stimulus to the commercial duel with Spain. The Elizabethan privateers brought home rich treasure taken from Spanish galleons and blood-curdling tales (collected by Hakluyt) of the cruelties inflicted on English seamen by the Inquisition. /

The whole outlook and temper of the English nation were thus changed out of recognition. The Tudors bequeathed to their successors a self-conscious and superbly confident people. They bequeathed also problems, ecclesiastical and political, demanding the highest statesmanship for their solution. Unfortunately, the first two Stuarts were grievously lacking in that quality. James I, though not devoid of ability or learning, was a conceited doctrinaire, vicious in private life, obstinate and self-opinated in affairs of State—'the wisest fool in Christendom'. Charles I had more character than his father but less ability. Neither father nor son understood the situation. Apprehension was indeed difficult for contemporaries, more particularly if, like the Stuarts, they were foreigners. Yet hidden from royal wisdom, it was revealed, if still partially, to the lawyers, squires, and merchants in Parliament. They had experience of affairs, gained in local administration. They had precedents drawn from the days of the later Plantagenets and the Lancastrians. They had the stiffening of temper supplied by Puritanism. The *Apology* of 1604 (already quoted) makes it clear that Parliament realized that with the defeat of the Armada the need for dictatorial rule had passed away. The nation, after a century of discipline, retardation, and recovery, was ready to resume the process of constitutional development at the point where it had been dropped in the fifteenth century.

The Lancastrian Parliament had proved itself unequal

to the task of government. The Stuart Parliament believed that it could now safely assert its control over the Executive. To pretend that this claim did not involve a radical shifting in the political centre of gravity was simply grotesque. It meant that personal monarchy was to end; that henceforth the King was to be a 'Constitutional' ruler and act on the advice of ministers responsible to Parliament. Could this momentous change be effected without revolution? Only, it is plain, if there was perfect accord between Crown and Parliament.

Such accord did not exist. Apart from the play of personal forces, apart from a fundamental misapprehension of the situation on the part of the King—a misapprehension not merely intelligible but forgivable—apart from the complications due to foreign affairs, there were many causes, not merely of friction, but of deep-rooted disputes. Religious differences widened the breach between King and people, but in order to concentrate on the constitutional issue all reference to ecclesiastical affairs must be eschewed. Nor can adequate regard be paid to the economic factor. That also was fundamental. Had there not been a serious drop in the value of money, had the King been able to 'live on his own', had he not been compelled, in order to carry on the business of the State, to have frequent recourse to Parliament for supplies, one of the most persistent causes of friction would have been eliminated. But besides disputes about money, there were quarrels also about parliamentary privileges, about royal Proclamations, and about foreign policy. Even more deep-rooted was the difference of opinion as to the position of the Judicature. Were the judges to be (as Bacon would have had them) 'lions under the throne', the handmaid of the Executive, or was Coke right in asserting for the Judicature a place in the Polity co-ordinate with the Legislature and the Executive, independent alike of King and Parliament?

Nevertheless, important as were all these matters, the essential point at issue in the seventeenth century was at once broader and narrower. Broadly the issue was between Crown and

Personal Monarchy and Parliamentary Democracy Parliamentary Democracy rests on three implications: an Electorate including all politically qualified citizens, a Legislature reasonably representative of the Electorate, and an Executive responsible to the Legislature. No question arose under the early Stuarts about the Electorate, the franchise, or the distribution of seats. Nor was there any real dispute as to the existence of a representative Legislature, composed of King, Lords, and Commons. The parliamentary leaders never dreamt (until after the Civil War) of abolishing the Monarchy, nor did the King pretend that he could be rid of Parliament.¹

The point at issue was in a sense narrower, but it went down to the roots of the problem of political liberty. Was the Executive to be henceforward, as heretofore, vested exclusively in the Crown, or was Parliament to exercise continuous control over it? Were the ministers—for ministers must under any system exist—to be in fact as in name servants of the Crown, or to be responsible to Parliament?

A 'responsible' ministry is the ultimate test of a 'Parliamentary' Democracy, differentiating it both from Personal Monarchy and from Presidential Democracy. The Stuarts were determined not merely to reign but to rule. Parliament was content that the kings should continue to reign but was determined that the government of the State, the determination of policy, and the actual conduct of affairs, should pass into the hands of ministers responsible to itself.

'As for the absolute prerogative of the Crown that is no subject for the tongue of a lawyer, nor is it lawful to be disputed. It is atheism and blasphemy to dispute what God can do. So it is presumptuous and high contempt in a subject to dispute what a King can do.'

Such was the Stuart theory of Monarchy as expounded by James I. Nor did his practice lag behind his theory. The alternative principle is clearly formulated in *The Grand*

¹ Perhaps Charles I indulged in that dream between 1629 and 1640. If so, he was rudely awakened.

Remonstrance (1641) The King was petitioned 'to employ such counsellors, ambassadors and other ministers in managing his business at home and abroad, as the Parliament may have cause to confide in, without which we cannot give His Majesty such supplies as is desired' ¹ It was no new thing for the grant of supplies to the Crown to be made dependent on the redress of grievances But the demand made in this famous claim went much farther It meant that the King was to act continuously and invariably on the advice of ministers whom Parliament could trust Impeachment was, as the same *Remonstrance* pointed out, a clumsy if not an obsolete weapon It sufficed for the punishment of ministers who had broken the law, it was wholly ineffective as a means of imposing the will of Parliament on the Executive, of ensuring that the course of policy pursued by the Government was such as would justify Parliament in voting adequate supplies to sustain it

The clause quoted above contains the germ of the Cabinet system John Pym, the author of it, had reached the conclusion it embodies in truly characteristic English fashion The demand made upon the King was based on no abstract theory of government, there was no appeal to the rights of man, or to democratic principles Pym had lighted on a vital germ almost as it were by accident 'He had found the solution of how to constitute an Executive sufficiently strong and energetic to protect the country against attacks from without, and against faction and anarchy within, to secure the supremacy of the law and the maintenance of public order, while at the same time impinging as little as possible upon personal liberty, and pursuing a policy consonant with the wishes of the country at large ². That is one of the most baffling problems in political science Pym had stumbled on its solution That he foresaw the prolonged process of evolution which brought the modern cabinet into being it were fantastic to suppose He had discovered a germ, he had formulated a

¹ § 197.

² Cf *The Federalist*, no lxx, where the problem is explored

principle. That is all. Not for some time did the germ fructify. For the moment the conflict was transferred from the Senate to the camp. The King was defeated and sent to the block. The Stuart theory of Monarchy perished with Charles I; but the alternative principle was not immediately applied.

The confusion of the Commonwealth compelled Cromwell to accept the Protectorate. Carlyle preferred the word Dictatorate. He was right. Oliver Cromwell was, until his death in 1658, Dictator. But unlike that of the Tudors Cromwell's was a military Dictatorship. He belonged to the Caesarian type of dictators, not to the type characteristic of the Roman Republic in its pristine austerity. Cromwell was a believer in Monarchy. He was convinced that no permanent settlement could be reached without a King. He would, therefore, gladly have worn the Crown. His soldiers, however, were mostly republicans. They had not killed Charles I to make Cromwell King. Cromwell's authority rested on the power of the sword. He had to fulfil the will of the army.

Cromwell was not, like Pym, a Parliamentarian. He desired, indeed, to see Parliament re-established, as he wished to see a Monarchy restored. But not the Stuart Monarchy, nor Pym's Parliament, controlling the Executive. That was the rock on which Cromwell's parliamentary experiments foundered. His parliaments were to be merely legislative bodies, they were not to have constituent powers. They were to make laws—as an American Congress makes laws—within the four corners of a written Constitution. Nor were they to interfere with the executive side of government. Cromwell's views on this important matter accorded with those of James I. So far as Cromwell was a democrat, it was of the presidential not the parliamentary type. He might fill the rôle of an American President: for the position of a constitutional King or a parliamentary Prime Minister he was wholly unsuited. Moreover, the crude fact had always to be faced: power rested with the army. The soldiers had removed the

'bauble' once, they might do it again. Parliament must function, if at all, within the limits imposed by *The Instrument of Government*, or, later, by *The Humble Petition and Advice*. Consequently, in the matter of constitutional evolution, the *Interregnum* marks a period not of advance but of retrocession.

The Restoration of Charles II to the throne of his father meant more than the restoration of monarchy, it meant also the restoration of Parliament. But two questions at once emerged: what type of monarchy did Charles II represent—Lancastrian, Tudor, or Stuart? What was to be the function of the restored Parliament? Was it to play the part of an Elizabethan Parliament, or to confront Charles II as the Long Parliament confronted Charles I? These questions were answered less precisely than they are formulated. Charles II was much the ablest of the Stuarts, and in shrewdness was not much below Queen Elizabeth. On two points he was adamant: he would not go on his travels again; nor would he surrender the principle of hereditary right, even to exclude his unpopular brother from the succession. His first minister, Lord Clarendon, though opposed to the personal government of Charles I, had become the King's adviser after 1641, but since 1646 had been in exile. His view of the Constitution was Elizabethan. Parliament was a valuable adjunct of the Monarchy, but its functions should be severely limited. The actual work of government must remain in the hands of the King assisted by his Privy Council and by ministers freely chosen by himself without regard to Parliament.

A return to the Elizabethan order was, however, impossible. Under the shock of the Civil War, the abolition of the Monarchy, and the military dictatorship that ensued, the nation was ready to acquiesce for a while in personal government, and to postpone the assertion of the claims put forward on its behalf by Parliament under the early Stuarts. But the Privy Council had swollen to unwieldy proportions, it could no longer function satisfactorily as the organ of government. Moreover, the business of State

had become vastly more varied and complex. Consequently, for the actual work of administration a number of committees of the Council were set up, some permanent, others temporary. From one of these committees—the committee for foreign affairs—the modern Cabinet is commonly said to derive /

As to the precise stages in the process of evolution there has been an infinite amount of controversy among historical specialists.¹ What was the precise relation of the Cabinet to the Privy Council, or to one (or several) committees of the Council? Was there an 'Inner Cabinet', formally distinct from an 'Outer Cabinet'? If so, what was the relation between them? These and like points are still hotly debated. Fortunately they are outside the scope of this broad survey. Sir William Anson has shrewdly warned us not to look for precision of outline and regular sequence of development in an institution so dependent, as is the Cabinet, on the conditions of the time and the temperament of individuals. 'The history of the Cabinet', as he truly said, 'is a shifting scene in which events move forward with uncertain step but continuous tendency.'²

Only a few of the less uncertain steps may be indicated. By the end of the reign of Charles II the Cabinet is clearly differentiated from the Privy Council. The latter generally met on Thursdays at Hampton Court, while the Cabinet met on Sundays at Windsor. The Privy Council then, as now, was a legal and relatively large body; the Cabinet was, and is, unknown to the law in its corporate capacity, and, though it has recently increased in size, it is still very small as compared with the Privy Council.³ Charles II was solely responsible for the composition of his Cabinet, though the chief administrative departments of the Government were

¹ Cf. *English Historical Review*, vols xxvii and xxix, containing articles by H. Temperley, E. I. Carlyle, and Sir W. Anson, and C. M. Andrews, in *Johns Hopkins University Studies in History and Political Science*, series xxvi, nos 1-3.

² *E H R* xxix, p. 57.

³ The Cabinet (1934) consisted of 20 members, now (1935) the Cabinet is larger, the Privy Council has more than 300.

represented in it, and it contained also (in Anson's cautious phrase) 'persons through whom the temper of the House of Commons could be ascertained'. The King always presided personally at its meetings, as did his three successors, but could 'refer its conclusions for reconsideration to the Privy Council'. On matters of high importance such reference was probably the usual procedure.

The Revolution of 1688 did not directly solve the problem of the Executive. Great stress was laid on James's assault on Parliament. The King had, it was urged, endeavoured by the advice of 'evil Counsellors' to subvert and undermine the position of the King-in-Parliament, but there was no suggestion that the Executive should be transferred to a responsible ministry. That is entirely characteristic. The Cabinet came into its kingdom not by observation.

As a fact William III was almost as much a personal ruler as James I, nor did his reign register any important change in the relations between the Executive and the Legislature. Of the Cabinet meetings between April 1694 and May 1695 we possess fortunately a contemporary record. From this it appears that the King was invariably present, and sometimes the 'Prince' also—presumably Prince George of Denmark. The number present never exceeded twelve, but always included the great officers of State and of the Household, and the Archbishop of Canterbury. The business transacted was purely administrative, and unlike the work of a modern Cabinet had no reference to current legislation. That was, as yet, exclusively the business of the Legislature. There was, indeed, one development under William III to which, as a landmark in the evolution of the Cabinet, Lord Macaulay attached exaggerated significance. In 1697 William selected all his ministers from the Whig party, which was at that time preponderant in Parliament. The principles that the Cabinet should always be politically homogeneous in texture, and should represent the party majority in the House of Commons, were, in fact, only gradually established.

Before William died there were, however, indications that both Parliament and the Privy Council were increasingly suspicious and jealous of the position which the Cabinet was assuming. Section iii of the Act of Settlement (1701) enacted that 'all matters . . . relating to the well-governing of this Kingdom which are properly cognizable in the Privy Council . . . shall be transacted there, and all resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same'. The clause was doubtless intended to arrest the growing importance of the Cabinet, but even more to insist on the individual, as opposed to the corporate, responsibility of ministers. It also provided that 'no person who has an office or place of profit under the King or receives a pension from the Crown shall be capable of serving as a member of the House of Commons'. (Fortunately for the evolution of Parliamentary Democracy neither of these provisions ever became operative. The first was repealed in 1705, the second, which would incidentally have confined ministerial office to peers, was so modified as to permit ministers of the Crown to seek re-election to the House of Commons after the acceptance of office. By the *Re-election of Ministers Act* (1926) it was virtually repealed, though there is still a limitation on the number of ministers who may sit in the Lower House. !

Queen Anne, though less stolid and stupid than has been commonly represented, had neither the knowledge nor the ability of William III. Yet she was, like him, a personal ruler. She selected her own ministers, and presided in the Cabinet. Changes of ministry were made, contrary to modern usage, before, not after, a general election, and ministerial appointments had a considerable influence upon the result of the election. But notwithstanding this, the state of parties in Parliament had an increasing, and at times a decisive, influence upon appointments to high offices. Thus in 1708 the appointment of Lord Somers as President of the Council was, despite the strong Tory inclinations of the Queen, practically forced upon her. The

gradual change was not without compensatory advantages for the Crown. If it lost power it escaped responsibility. 'For some time past', said Rochester in 1711, 'we have been told that the Queen is to answer for everything: but I hope that time is over. According to the fundamental constitution of the Kingdom the Ministers are accountable for all.'¹ Nevertheless, until her death, Queen Anne ruled.

The first two Georges, though they exercised great influence upon foreign policy, reigned but did not rule. The real point of transition from personal to 'Constitutional' Monarchy is indeed the accession of the first Hanoverian King. For this momentous change two accidents were largely responsible: George I was a foreigner with little command of English and a languid interest in the domestic politics of his new kingdom; in Sir Robert Walpole he found a Chief Minister of exceptional strength and tenacity of character. These accidents accounted for two momentous developments, the withdrawal of the Sovereign from Cabinet Councils, and the increasing importance and authority of a First Minister.

The Prime Minister has been happily described as the 'Keystone of the Cabinet arch'. The analogy is exact. The Prime Minister keeps the Cabinet in being, his invitation, authorized by the King, is the sole passport for individual ministers to a Cabinet meeting, his resignation dissolves the Cabinet. On the other hand, the Cabinet sustains the Prime Minister, as it is itself sustained by the House of Commons.

Even after the accession of George I the authority of the Prime Minister over his colleagues was only gradually established. Only since 1905 has the Prime Minister, as such, enjoyed any social precedence, and even now he receives, as such, no salary. Consequently, the Prime Minister invariably holds another office, generally, though not necessarily, that of First Lord of the Treasury.²

Walpole himself definitely disclaimed the title of First

¹ *Parliamentary History*, vi 972

² Sometimes more than one. For further details on all the matters treated in this chapter, cf. Marnott, *Mechanism of the State* (Oxford, 1927), vol 1, chap vii, vol II, chaps xxxiii-xxxv

Minister. The younger Pitt as definitely claimed it. To the period between Walpole's accession to power (1721) and Pitt's death (1806) we can safely assign the definite and final establishment of the basic principles on which the Cabinet system rests. Greater precision is, in the present survey, uncalled for, and perhaps is nowhere desirable or possible. The principles are: (1) the dependence of the Cabinet on Parliament and especially on the House of Commons; (2) the political homogeneity of the Cabinet; (3) the collective responsibility of its members; and (4) their common acceptance of the leadership of a First Minister.

Each of these principles has given rise to questionings and even to controversy; but each is essential to the system of Parliamentary Democracy, as originally evolved in this country, and adopted in others. It is a 'fundamental' that there should be the closest possible correspondence between the Executive and the Legislature. That means that a Ministry can assume office only if it enjoys the confidence and can rely on the support of the House of Commons; if the House withdraws its support the Ministry must either give place to another or obtain the King's permission to dissolve Parliament. In the latter case the issue between Executive and Legislature is decided by the body which is politically, though not legally, sovereign, the Electorate. The principle further implies that the members of the Ministry must be members of the Legislature. But this in Great Britain is convention, not law, and there are occasional and temporary exceptions to the rule. In the written Constitutions of Australia and South Africa the convention has become law. The first principle, taken in conjunction with the second, involves the elaborate organization of Parties, and the frank acceptance of all that Party government implies. Party government has a bad name: it has been the target for criticism, discriminating and the reverse. But it is futile to ignore the truth that it is a primary condition of Parliamentary Democracy.

When none were for a party
But all were for the State,

may represent an alluring situation ; but it is a situation better suited for poets and philosophers than for practical politicians Party lines may acquire undesirable rigidity , party loyalty may be carried too far , a new orientation of parties is evidently from time to time expedient , great emergencies demand coalitions and so on. All this is true and trite But the broad fact stands only strong party organizations can give to a Legislative body that cohesion, without which it can neither sustain nor dismiss nor control the Executive To do these things is the essential, perhaps the most important, function of a Legislative Body, under a Constitution at once democratic and parliamentary.

The third of the 'essentials' has not escaped criticism How far the collective or mutual responsibility of Cabinet Ministers should, how far it does, carry, are matters of dispute The opposite principle of Departmentalism or individual responsibility has not a few advocates. Like non-party government it is superficially attractive Surely, it is urged, the best way to get an efficient navy or army is to hold the First Lord of the Admiralty and the Secretary of State individually responsible. In a sense they *are* individually responsible primarily to their Cabinet colleagues and in particular to the Prime Minister, ultimately to Parliament and the country Whether it is better that the responsibility should be direct or indirect, in one degree or in two, is a fair matter for argument. In practice there is considerable latitude in the interpretation of this conventional rule But the rule itself is essential to Cabinet solidarity, and without a reasonable measure of Cabinet solidarity Parliamentary Democracy is unworkable The essentials are, in short, interdependent.

Of all the essentials the last is in importance first. Many holders of the 'office' have left on record their views as to what the position of a Prime Minister should be, what in fact it is Practice varies with personalities The younger Pitt, if not an autocrat, was indisputably the master in his own Cabinet, as were Sir Robert Peel, Gladstone, and

Disraeli. Lord Liverpool, Lord John Russell, and Lord Aberdeen belonged to a different type of Prime Minister. So did Lord Salisbury. Lord Rosebery insisted that a Prime Minister was no more than the chairman of a committee; Mr. Gladstone that he was only *primus inter pares*. But Lord Rosebery's practice corresponded with his precepts more closely than did Mr. Gladstone's.¹ During the Great War the Cabinet system—parliamentary government itself—was in abeyance. The Prime Minister occupied a position which was presidential rather than parliamentary, inevitably, if not without criticism.

A War Cabinet or Directory, to which colonial statesmen were presently summoned, was set up (December 1916). It originally consisted of five members only one of whom, the Chancellor of the Exchequer, held departmental office. The other ministers, who would under normal conditions have been in the Cabinet, met under the chairmanship of the Home Secretary, but administration was departmentalized: the old Cabinet conventions were suspended. After the war the *status quo ante* was as far, and as quickly as possible restored, though it is undeniable that the war has left traces on the machinery of the Constitution.²

No excuse is needed for dwelling upon a topic so trite as that of the English Cabinet. For the Cabinet is the vital organ in a Parliamentary Democracy. That much we know. Nevertheless, despite the illumination shed upon its working by the memoirs and correspondence of sovereigns and statesmen, despite the fact that the Cabinet now has its Secretariat and that brief minutes of Cabinet proceedings are kept, the Cabinet, like the Crown, still retains something of the magic of mystery. Written Constitutions may strive to reproduce as law the conventions of the English Cabinet, but it would still seem to need men with

¹ For detailed evidence in support of these statements see Marriott, *Queen Victoria and Her Ministers* (Murray, 1933), *passim*.

² See Marriott, 'The Constitution in Transition', ap *English Political Institutions* (revised ed Oxford, 1925), and *Mechanism of the Modern State*, II, chap. xxv.

British traditions in their blood to operate, successfully, such delicate machinery. In the country of origin the system has worked with a remarkable measure of success 'After a long experience I am satisfied', wrote Mr Asquith, 'that Cabinet government (in the established sense of the word) is the best instrument that has yet been devised for the daily conduct of national affairs.'¹ The statement is characteristic both in substance and form. Whether it was intended to apply only to England is not from the context clear. If so, it was almost a truism. If not, it betrays an insularity of outlook not uncommon among parliamentary statesmen. Nobody would have denied, until a few years ago, that the Cabinet system is the most important and most characteristic contribution made by Great Britain to the philosophy of politics, that in that system we ourselves have found a solution of the problem—always difficult and delicate—of the relations between the Executive and the Legislature. But is the principle applicable to political conditions differing from our own? Can it be engrafted on to a Constitution not unitary but federal? Is Democracy, of any type, consistent with Federalism? To these questions the next chapter may perhaps furnish a partial answer. /

¹ *Genesis of the War*, p. 3

IX DEMOCRACY AND FEDERALISM I

The United Provinces of the Netherlands. The United States of America

PARLIAMENTARY Democracy has extended from Great Britain to the British Oversea Dominions. But of the four great Dominions two have combined the Cabinet system with Federalism; and the Constitution of a third (South Africa), though technically unitary, contains some traces of the federal model which was eventually rejected by its architects. Accordingly, before proceeding to examine the operation of Parliamentary Democracy in the British Dominions it will be convenient to see something of Democracy under the conditions imposed by Federalism.

True Federalism is pre-eminently a political product of the modern world. In framing their Federal Constitution in 1787 the United States of America had no precise precedents to guide them, they devised a new constitutional form.

The composite State was not indeed unknown to history, but the forms it had assumed were embryonic. Could Pericles have induced the Athenians to rise above the conception of the City-State, leagued with its dependencies, the Delian League might have developed into a true Federal State and Greece might have escaped political annihilation. The City Republics of North Italy had their Lombard League, and similar leagues were not uncommon in Germany. The old League of High Germany furnished the protoplasm from which the Federal Republic of Switzerland developed. In the commercial life of the Middle Ages the League of the Hansa played a notable part. But in relation to Federalism these were merely embryonic forms—if so much as that. Higher in the scale of political organisms was the *Personal Union*—the case of two or more states united only by the link of the Crown. England and Scotland were thus united under the Stuarts from

1603 to 1649, and from 1660 to 1707. Similar was the tie between Great Britain and Hanover from 1714 to 1837, between Great Britain and Ireland from 1782 to 1800, between Sweden and Norway from 1715 to 1905, and only slightly more organic was that between Austria and Hungary from 1867 to 1918. Personal union is a very precarious form of political association, even when the person on whom it depends is an absolute, much more when he is a constitutional, ruler. Yet personal union is not inconsistent with Parliamentary Democracy, as the experience—albeit a brief one—of the British Commonwealth of Nations tends to prove. Since the *Statute of Westminster*¹ was enacted that interesting formation has, indeed, been little more than a Personal Union, depending on the link provided by the Crown.

Distinctly higher in the scale of political formations is the *Confederation* (*Staatenbund*). This varies in cohesion from something little more than a perpetual league to something not far short of a Federal State (*Bundesstaat*), and not infrequently forms a stage intermediate between them. Thus the Germanic Confederation (1815-66), gave place in 1867 to the more coherent though less extensive North German Confederation, as this in turn expanded and deepened into the Federal Empire of 1871. Similarly, the Federal Republic of Switzerland developed in 1848 out of the looser form of confederation which existed among the Cantons of Switzerland, prior to the establishment of the Unitary Republic (1798), and again after its extinction (1814).

Both the Helvetic and the German Constitutions will demand more detailed consideration in later chapters. The curious political formation in the Low Countries must receive attention at once, since at least one American historian regards it as 'in many respects the prototype'² of the United States.

Insufficient attention has, indeed, been paid by students of politics to the cities of the Netherlands as compared with

¹ In 1931.

² Motley, *Rise of the Dutch Republic*, III 415-16.

those of Italy. 'The study of the history of Belgian democracy in the past is', as M. Pirenne justly observes, 'well worthy of the attention of those who wish to investigate the problems of contemporary democracy.'¹ With admirable lucidity he indicates the successive stages in the development of municipal self-government. From the first city government was democratic. Control over town administration was vested in the *Commune*, the whole body of free burghers. 'The Commune', writes Pirenne, 'at any rate during its earliest times, and, in theory, even later, was democratic' Experience of the 'democratic' City-States of Ancient Greece and medieval Italy may make us, if not suspicious of the epithet 'democratic', at least cautious in the use of it. There can, however, be no question that in the flourishing towns of the Low Countries the minds of the citizens were permeated by the sense of municipal freedom. Equally certain is it that participation in municipal government during the Middle Ages materially contributed to the assertion of national independence on the part of the northern Provinces in the sixteenth, of the southern Provinces in the nineteenth century. M. Pirenne goes even further. Writing from Ghent in 1915, he expresses his 'profound conviction that the vitality which the towns of Belgium have hitherto shown in all stages of their history is a certain proof that they will assuredly renew their strength, even after the terrible disasters of which they have recently become the victims'

The heroic struggle of the United Netherlands against Philip II, the genesis of the kingdom of Belgium (1830), and the splendid fight it put up against the domination of Hohenzollern Germany in the World War—these things lie outside the scope of the present work. It is, however, pertinent to trace briefly the evolution of the federal or quasi-federal Constitution of the United Netherlands Under that Constitution, in spite perhaps rather than by

¹ To Professor Pirenne's *Belgian Democracy* (Eng trans, Manchester, 1915) reference should be made for fuller information on the subject treated briefly in these paragraphs

reason of it, the United Provinces succeeded in wresting their independence from Philip of Spain, and took their place as a sovereign member of the European family of Nation-States

The genesis of the new Nation-State may be traced to the *Union of Utrecht* (1579), consisting originally of the five Provinces of Holland, Zeeland, Utrecht, Gelderland, and Friesland, which were subsequently joined by Overijssel and Groningen, and (temporarily) also by Antwerp, Bruges, Ghent, and Ypres. The scheme embodied in the *Union of Utrecht* was definitely Federal in principle: it set up a single authority to represent the Union in its external relations, while reserving to the constituent Provinces all their special privileges, franchises, &c., and all their sovereign rights save those connected with common defence and foreign relations. The latter were included merely as a temporary arrangement to meet an immediate emergency—the assault of a foreign oppressor. Regarded as a Constitution this was one of the clumsiest and most complicated ever devised. But as Motley justly observes, it ought to be regarded not as a *Constitution* but as a *Compact*. The result was a loose confederation of five (afterwards seven) Provinces, each Province being itself a federation of municipalities.

The Union proved more permanent than was anticipated, and not only fulfilled triumphantly its original purpose—resistance to foreign oppression—but established the permanent and sovereign independence of the United Provinces. The birth of the new Nation-State was, however, due not to its unwieldy Constitution, but to a favouring conjunction of circumstances—to the rivalries and antagonisms of Spain, England, and France, to the superb courage, tenacity, and resource of its citizens, and not least to the leadership of a succession of great statesmen, William the Silent, Prince Maurice, and Prince Frederick, Henry John van Olden Barneveldt and John de Witt, William of Orange (III of England) and Pensionary Heinsius.

If in the Constitution of the United Provinces there was a large element of Federalism, there was also in their actual administration a large element both of Monarchy and of Oligarchy. For more than a century and a half after the death of William the Silent (1584) these elements were constantly in conflict, and the two parties which respectively maintained them held, almost in alternation, the reins of power. The Orange party relying for support mainly on the nobles the clergy and the peasants, favoured greater cohesion among the Provinces. Opposed to them were the burgher oligarchies in the larger cities, stern in their adherence to republican principles; mistrustful of the 'Monarchical' tendencies of the House of Orange, and profoundly jealous of all encroachments, even though recommended by considerations of national security and international prestige, upon municipal and provincial autonomy.

In 1610 Maurice of Nassau (son of William the Silent) compassed the judicial murder of Barneveldt, the leader of the republican party, and for the next forty years the Orange Stadtholders exercised unquestioned authority. In 1650 the Stadtholder William II (son-in-law of Charles I of England) resolved to establish an hereditary monarchy. He died suddenly before his purpose was achieved; the Stadtholderate was suspended; and for twenty years the burgher oligarchy remained in power under the leadership of a great statesman, John de Witt, Grand Pensionary of Holland. In 1672, however, Louis XIV's attack on the United Provinces brought the House of Orange, in the person of William III, into power; de Witt was murdered in 1673 and for thirty years the ascendancy of William III was undisputed. With his death in 1702 the male line of William the Silent became extinct and the tide swayed once again in favour of the republican oligarchy. Until 1748 the Stadtholderate remained in abeyance, but in that year William IV, descended from a younger branch of the House of Orange, and a son-in-law of George II, was elected Stadtholder; and shortly afterwards the office was

declared hereditary In 1794 the French republicans invaded Holland, and the Provinces were virtually incorporated in France as the Batavian Republic, until in 1806 Napoleon erected it into a kingdom for his brother Louis Finding the yoke of his brother unbearable Louis resigned in 1810 and Holland was incorporated in France.

The southern Provinces of the Netherlands remained under the Spanish Crown until 1702, but on the conclusion of the War of the Spanish Succession they were, by the Treaty of Utrecht 1713, handed over to the Austrian branch of the Habsburgs, and were retained by them until they were annexed to the French Republic in 1794

After the fall of Napoleon, Belgium (as we may by anticipation call it) was united with Holland in a kingdom of the Netherlands under the House of Orange-Nassau The united kingdom was largely the work of Lord Castlereagh, whose hope was to see a strong barrier erected between France and Germany. Had that hope been realized the World War of 1914 might have been averted The scheme was frustrated by the tactless policy of The Hague; in 1830 the ill-assorted union was dissolved, and after a short period of confusion the Crown of an independent kingdom of Belgium was accepted by Prince Leopold of Saxe-Coburg, the 'Uncle Leopold' of Queen Victoria Belgium was fortunate in its first king Though German by blood, Leopold was an Englishman by residence, and thoroughly imbued with the principles of Constitutional Monarchy as understood in England On the English model, therefore, the new Belgian Constitution was founded

The Constitution of Holland eventually reached, after prolonged disputes and repeated revisions, the same goal Since 1848 Holland also has been a Parliamentary Democracy of the English type

Had the constitutional evolution of the United Netherlands followed, in the seventeenth and eighteenth centuries a different course, the English Colonies in America, having

repudiated the authority of the English Crown, might have found a model after which to fashion a new Constitution for themselves.

The common assumption, shared by so eminent a jurist as Sir Henry Maine, is that the architects of the American Constitution copied the English Constitution as it existed under George III, with the unavoidable, if regrettable, omission of a king and an hereditary aristocracy.¹ Nothing could be farther from the truth. The American Constitution is not a copy. It is an original creation, or rather a native-born product. For there is hardly a feature of it which does not recall a colonial ancestor. If those ancestors in turn derived from English forebears their lineaments had been so modified by change of environment and circumstance as to be unrecognizable.

Both England and the United States stand in the world to-day as Democracies, but they are Democracies of strikingly contrasted types. England is essentially parliamentary; its Constitution is extraordinarily flexible; its Parliament is sovereign; its Executive is responsible; its texture unitarian. The United States is a Presidential Democracy, its Constitution is unusually rigid; its Legislature is not sovereign; its Executive is not responsible to the Legislature but wholly independent of it;² above all it is interpenetrated by the spirit of Federalism.

American Federalism is a natural result of historical causes. The colonies went into the war of independence as thirteen separate units each dependent on the English Crown. They emerged from the war as thirteen independent republics. Exigencies of war had, meanwhile, forced upon the colonies a makeshift union. A Continental Congress agreed in 1777 to certain *Articles of Confederation* and these were adopted by the States in 1781. But the Confederation was wholly lacking in cohesion, it was little more than a league of friendship between thirteen sovereign

¹ *Popular Government*, pp. 11, 207, &c

² This is stated too absolutely. For the modifications demanded by accuracy, see *infra*, pp. 124 f

and independent states, and, as Alexander Hamilton complained in 1780, was 'neither fit for war nor peace'. During the war sheer necessity kept it in being, but how badly the machinery worked is plain from the almost despairing appeals of George Washington. The disasters to the army under his command were largely due to the jealousy of the several States, to their refusal to entrust a Congress elected by themselves with powers sufficient to ensure the victory of their arms.

The conclusion of peace only accentuated the shortcomings of the embryonic Confederation during the five years that intervened between the recognition of American independence and the adoption of the Constitution, the country was 'drifting surely and swiftly towards anarchy'.¹

To induce these jealous republics to surrender any particle of their sovereign independence, to bring them into closer union, was a difficult, as it seemed to many an impossible, task. But circumstances compelled concessions. The utter chaos that existed in commerce, in finance, and in foreign relations, at last broke down the resistance of the most obdurate separatists. A Constitutional Convention met, under the presidency of George Washington, at Philadelphia in May 1787, and after four months of strenuous labour and several threats of disruption, completed the work of Constitution-making. The draft, having been accepted by the Congress of the United States, was submitted to State Conventions for ratification. It was agreed that it should not come into force until it was ratified by nine States. The ninth ratification was obtained in June 1788. The United States was born.

/No government, it has been said, can escape the law of its origin.² Almost every clause of the American Constitution bears traces of it: the rigid division of powers and demarcation of functions; the position of the Executive; the jealous exclusion of the President from the Legislature, the limitation on the powers of the Legislature, the explicit reservation to the constituent States of all powers not

¹ Choate, *Alexander Hamilton*, p. 21

² By A. de Tocqueville

specifically delegated to the Federal organs, the composition of the Senate, the insistence upon the equal representation of all States, great and small alike, in that body, the limitation imposed upon the power of the President in regard to patronage and treaties; above all, the elaborate machinery prescribed for the amendment of the Constitution.

The provisions for Constitutional revision reveal the true character of the Constitution. It was in effect a treaty concluded between thirteen independent Republics; the terms of that treaty were not to be varied save with the assent of three-fourths of the component States, as well as of the Congress (or a Special Convention) representing all the States.

The Constitution thus reacts to every test of true Federalism. It provides for more than a perpetual league of States; for more than a confederation of States; it provides for a Federated State (*Bundesstaat*). Those provisions are embodied in a written document or Instrument, nor can they be altered except by an elaborate method specially prescribed in the Instrument itself. A supreme judicial body is entrusted with authority to safeguard the Instrument and interpret its terms. There is a precise distribution of powers, on the one hand between the several organs of the Federal Government; on the other between the Federal and State Governments. Moreover, every citizen is amenable to three codes of law; the law of the Constitution, the laws of the United States, and the laws of his own particular State. Finally, the organs of government, executive, legislative, and judicial, are throughout the entire system reduplicated.

There had never been anything exactly like this in the world before. The claim, sometimes made on behalf of the United States, that it gave birth to Representative Democracy, cannot be substantiated. England was already well advanced on that path before the United States came into being. Nor did the United States originate Parliamentary Democracy; it has never possessed it. Its unique

contribution to the science and art of politics is to have provided the greatest example in world history of Federal Government, to have defined its principles, and to have exhibited them in actual operation Further than that: it has proved the compatibility of Federalism with Democracy, not, be it repeated, with Democracy of the English type, but of a type originated by itself, of which the world had no previous experience This new type may, in order to distinguish it from Parliamentary Democracy, be described as Presidential.

The President is, indeed, the mainspring of the constitutional machine. In him the executive power is (with exceptions to be noted presently) exclusively vested Only by entrusting executive authority to a 'single hand' could 'energy', the 'most necessary qualification' for an Executive, be secured So Hamilton argued; so the Constitution decreed The Constitution contemplated that the election of the President, though strictly democratic, should be indirect As a fact the whole process is now controlled by an ascending series of party conventions, which, starting with the 'primaries' of the smallest electoral units in each State, culminate in a great national convention From the first stage to the last the election is in the hands, not, as the Constitution contemplated, of unfettered representatives, but of delegates, carefully instructed and closely controlled, sent up from convention to convention to do the bidding of their respective parties The President is elected for four years and is irremovable except by impeachment for a criminal offence He is re-eligible for election, and has, in five instances, been re-elected (6th: Roosevelt)

No provision is made by the Constitution for a Cabinet, but the President is in fact assisted in his executive duties by a Cabinet consisting of ten heads of Departments The American Cabinet has, however, little in common, save a name, with the English original Its members are responsible solely to the President, they are in fact as in name his ministers, though they tend more and more to occupy the position of colleagues rather than servants To Congress

they owe no responsibility, nor can they vote, sit, or speak in it. Nor are they mutually or collectively responsible. Though they do in fact meet in consultation their responsibility is individual and departmental

The President is bound by the Constitution to give 'to the Congress information of the State of the Union', and recommend legislative measures to their consideration. But he has no power to compel attention to his recommendations. If, however, he cannot initiate legislation he is invested with an important negative control. His 'veto' can be overborne by a two-thirds majority of Congress, but though Presidents have exercised their veto very freely, Congress rarely carries its legislation over their heads. Thus the President checks Congress, and the authority of Congress balances that of the President. This equipoise is a distinctive feature of the American Constitution.

It extends even to executive action. Treaties concluded by the President are not valid without the assent of a two-thirds majority of the Senate, and by the same majority the Senate must confirm the appointment of all persons nominated by the President to act as ambassadors, as judges of the Supreme or other Federal Courts, of officers and ministers.

To the appointment of Cabinet Ministers the assent of the Senate is commonly given as a matter of course, as regards all other appointments its assent is less of a mere form. Still more substantial and important is the participation of the Senate in the making of treaties. Again and again has the Senate refused assent to treaties bearing the signature of the President, with results (as foreign critics are apt to think) very damaging to the international prestige, if not to the interests, of the United States. Of the inconvenience, to use no harsher word, of this Constitutional law and custom, there have been many illustrations; but none so glaring as the Peace Treaties of 1919. To European observers, imperfectly acquainted both with the American Constitution and with American history, it was almost unimaginable that the President of a great Republic

should cross the Atlantic, take a large personal share in drafting the Covenant of the League of Nations and the Treaty of Versailles, and append his signature thereto, and that his signature should not be worth the ink with which it was written. That such incidents have not been more frequent is largely due to the close touch maintained, until recent times, between the President and the Senatorial Committee for Foreign Affairs. Such Committees, especially the Budget Committee in the Lower, and the Foreign Affairs Committee in the Upper House, are exceedingly important adjuncts of the American Parliamentary system. The Chairman of the latter is in effect a second Secretary of State for Foreign Affairs, exercising a power almost co-ordinate with that of the Cabinet Minister. Constant consultation between them would seem, therefore, essential to the dignity, if not the efficiency, of American diplomacy.

Yet there is no guarantee of harmony between their views, nor of any reconciliation of differences where they exist. This is a natural consequence of the American principle of the Separation of Powers. In England a Prime Minister or a Foreign Secretary can go on their way, if not unheeding, at least confident that any action they take will receive the sanction of Parliament. It is Parliament which has, in effect, entrusted them with power to act, and only if that trust were grossly abused would Parliament ever dream of repudiating the action of its agents.

In the United States the position is entirely different. The President's power is derived directly from the people, not intermediately through Congress. Congress also derives its power from the people, but not at the same time nor in the same way. Thus it comes that there is no necessary correspondence between the Executive and the Legislature. The people may vote for a 'Democratic' President, but return a 'Republican' majority to both Houses of the Legislature.

Not that the two Houses must necessarily be of the same political complexion for though both are elected, Senators

are elected for six years, Representatives only for two. The House of Representatives is greatly inferior both in prestige and in power to the Senate. Still more is it inferior, in both respects, to the English House of Commons. It possesses, indeed, the same right of initiating money-bills, but the Senate need not pass them, nor accept them unamended. Over the Executive it has no control, save such as comes from the power of the purse; nor has the Executive any control over the House. With the House of Representatives, however, we need not be further concerned: there is nothing distinctive about it.

About the Senate there is. Among American institutions it is pre-eminent as the embodiment of the Federal principle. Composed of two members from each State, great or small, of the Union, the Senate represents not the people but the States. Originally consisting of twenty-six members, it stood midway between the Privy Council and the House of Lords in England. Its members now number ninety-six, but even so it is in size less than one-seventh of the House of Lords, and it is seven times as powerful. Like the House of Lords it has judicial powers—the right to try impeachments. Unlike the House of Lords it is co-ordinate in legislative power (save in respect to the initiation of money-bills) with the House of Representatives, it shares with the President an important fraction of executive power, and over both President and Lower House it has the advantage of continuous existence. One-third of the Senate retires every two years; but two-thirds are always old and thus continuity and stability are secured. Senators change; the Senate is permanent.

Congress as a whole is not a Sovereign Assembly. It can function only within the limits assigned to it by the Constitution. 'This Constitution and the laws of the United States which shall be made in pursuance thereof . . . shall be the supreme law of the land.' So runs Article VI, § 2, of the Instrument. The phraseology is noteworthy. To form part of the law of the land the laws enacted by the Legislature must be *in pursuance of* the Constitution. 'A

* 'Law repugnant to the Constitution is void.' That is the famous dictum of Judge Marshall. The Judges must treat it as void. But they can intervene, like an English Court, only if their jurisdiction be invoked by a litigant. To this extent only is the Supreme Court the guardian and interpreter of the Constitution. Even so it exercises a power greater than any other judicial tribunal in the world.¹

That power is enhanced by the fact that the Federal Courts, like the Federal laws, operate directly upon every individual citizen of the United States. That is not so in every Federal Constitution, and is the more remarkable in America, because, as already mentioned, the residue of powers is vested not in the national organs but in the States. In every Federal Constitution the distribution of powers is the vital consideration determining the character of the Federation. Thus, in the Australian Commonwealth the States, tenacious of their individuality, and forced into federation (in some cases) only by the pressure of external events, have delegated to the Commonwealth certain limited powers. For the Dominion of Canada the process is reversed. the Provinces (not *States*) enjoy such powers only as are delegated to them by the terms of the Constitutional Act. The residue of powers is vested in the Dominion Government.

Thus in the history and philosophy of Federalism the United States occupies a unique position. The first of real Federal States to come into being it is also incomparably the greatest. In the history and philosophy of Democracy its position is eminent but not unique. A Dictatorship it has never yet experienced. The position of more than one President has, indeed, been more 'dictatorial' than that of any British Minister. Yet the dictatorial powers thus exercised have been exercised under the terms of the Constitution and the laws of the land. Nevertheless, even the foregoing summary must have made it clear that despite the rigidity of the American Constitution the transition from

¹ The jurisdiction of the Supreme Court extends also, of course, to *State* as well as Federal law, and is much more frequently invoked

Presidential to dictatorial Democracy (if the contradiction in terms may be temporarily permitted) could be effected more easily, with less dislocation of constitutional machinery, in America than in England. No English Prime Minister ever approached so nearly the position of a President as did Mr. Lloyd George in 1917-19. Yet his position was, even under war-time rules and regulations, very much short of dictatorial, and any exceptional powers conceded to the Executive by Parliament were, with all possible celerity, as soon as the emergency had passed, revoked. At this moment (1935) the American President is wielding very extensive powers; but they are exercised either in virtue of his ordinary legal powers or of further powers conferred upon him by the Legislature to meet the present emergency. The rule of law is maintained.¹ The differentiating characteristic of a Dictatorship is lacking. In name and in fact the United States remains a Democracy.

¹ At the moment of going to press (May 1935) the Supreme Court has, by a judgement which may well become historic, vindicated the supremacy of the law of the Constitution as against the Executive. The result is an impasse. The policy of President Roosevelt is held up. How the situation will develop none can tell, but it will be watched with close attention by all students of Politics.

X. DEMOCRACY AND FEDERALISM. II

The Swiss Confederation

IF there is some ambiguity about the present situation in the United States there is none about the Swiss Confederation. The Swiss people claim that their government affords the most perfect, if not the only, example of *real* Democracy in the modern world¹ The claim is admissible only if Representative Government be regarded as the antithesis of Democracy, if the only true type of Democracy is direct Nor does the existing Constitution present an example of direct Democracy *sans phrase* It contains a large element of the Representative principle, and a still larger element of Federalism But if Swiss Democracy is not strictly 'direct' still less is it strictly 'Parliamentary' The essence of Parliamentary Democracy consists, as we have seen, in the doctrine of the Sovereignty of Parliament. The Federal Legislature of the Swiss Republic is not a sovereign body. Sovereignty is vested in the Swiss people, and is exercised by means of the *Referendum* and the *Initiative* In that sense Swiss Democracy is *Direct*, not *Representative* It would, on that ground, have commended itself to Rousseau Rousseau, himself a citizen of Geneva, held that the English people, so far from boasting of their freedom, should know themselves to be but slaves, except when actually engaged in electing a new Parliament

That the Swiss are a 'free' people no commentator on political institutions would ever dream of questioning, and in some cantons they have been free from time immemorial. but not in all

Since 1848 the Swiss Republic has been both genuinely democratic, and genuinely federal Federalism has been achieved in the teeth of obstacles, ethnological, political, ecclesiastical, and geographical The Swiss Confederation

¹ Cf *Real Democracy in Operation* by Felix Bonjour, formerly President of the Swiss National Council (Eng trans, London, 1920).

is to-day made up of nineteen Cantons and six demi-Cantons. Of these, eighteen are German, five are French, one is Italian, and in one (Graubünden or the Grisons), one-third of the people speak Romansch. Yet, without unity of race, language, or creed, with ambiguous frontiers and without access to the sea, there has emerged a 'nation', as strong in patriotism, as sturdy in defence of its independence, as any in Europe. That independence is indeed guaranteed by international agreement, it is still more effectively secured by a nation in arms.

The germ of the present Confederation is to be found in *The Perpetual League of the three Forest Communities*: Uri, Schwyz, and Unterwalden (1291). One of many leagues formed for mutual protection within the jurisdiction of the Holy Roman Empire, this Suabian League expanded, during the first half of the fourteenth century, into the *Confederation of Eight Cantons*; five great cities were admitted to membership of the Confederation (1481-1513), and the enlarged Confederacy of Thirteen held together until the French conquest in 1798.

The tie between them was slender, and was further weakened by the Reformation, and by disputes between them as to the disposal of their conquests. These conquests brought not only Germans but Italians and French-speaking Savoyards not indeed into the bosom of the Confederation, but under the dominion of its several members. Nor was there any uniformity of government among the members of the Confederation. The Forest Cantons were, and still are, 'direct' Democracies, governed in the general assembly of the people in their *Landsgemeinden*, some of the cities were ruled by burgher oligarchies; others maintained the forms of civic Democracies.

The French Revolution naturally created considerable ferment in the French-speaking Cantons, and the revolt of the Vaudois democrats against the burgher-aristocracy of Berne gave the French Republic a welcome excuse for interference. Berne was occupied, and put to ransom, by the French in 1798, and Switzerland then became, in all

but name, a dependency of France under the style of the Helvetic Republic, with a unitary government modelled on the Constitution of the Year III. In 1799 Geneva was annexed to France and the rest of Switzerland was treated as a subject Province

The occupation of Switzerland gave to Napoleon, particularly in the campaigns of 1799-1800, the key of the strategical position. Politically, however, Napoleon was quick to perceive that the Unitary Republic imposed upon them by French doctrinaires was entirely opposed to the traditions of the Swiss Cantons. Accordingly, in the *Act of Mediation* (1803) the sovereignty of the Cantons was restored—some with their burgher aristocracies, some with their primitive *Landsgemeinden*, others under representative Democracies, but over all was superimposed a central government with a Federal Diet

The *Act of Mediation* lapsed on the fall of Napoleon in 1814, but it formed the basis of the *Federal Pact*, under which Switzerland was governed from 1815 to 1848. In the latter year it was replaced by the Constitution which, extensively amended in 1874, remains in force

The Government of Switzerland is at once democratic and federal. The whole people is sovereign; within its own sphere each Canton is sovereign, but all are united in a true federal bond, with the institutions appropriate to a *Bundesstaat*

To deal first with the Federal Government. Legislative power is vested in the Federal Assembly. The Assembly consists of two Houses: the National Council, containing 187 members, elected by the method of Proportional Representation on a basis of manhood suffrage, and the *Council of States* (*Ständerat*), consisting of forty-four members. The *Ständerat*, like the American Senate, embodies the *Federal*, as opposed to the *National*, principle, each Canton, large and small, being equally represented by two members, each half-Canton by one. Unlike the American Senate it has no special functions to differentiate it from the National Council. The two Houses are, in authority

and functions, co-ordinate. They meet twice a year, in June and December, and continue in session, in each case, for four weeks.

The Executive is vested in a Federal Council of seven members, who are appointed by the Federal Assembly (in joint session) for a period of four years. The principal departments of State are allotted by mutual arrangement to the seven Councillors of State, one of whom is elected President, and a second Vice-President. These hold office for one year only, virtually in rotation. Nominally all the Departments are redistributed annually; actually they are held, as a rule, for life.

The Federal Council bears no resemblance to an English Cabinet. Its decisions are supposed to be unanimous, but it is not politically homogeneous; it is not 'political' at all. Its English counterpart would be not the Cabinet but a Committee of permanent Secretaries, heads of Government Departments. Its members do not sit or vote in the Legislature; but they are entitled to attend and speak in either House when proposed legislation is under consideration. They may also be required to attend either House and answer questions concerning their several departments. The administrative acts of the Council are supervised and may be reversed by the Legislature, but reversal carries no censure and does not involve resignation on the part of the Councillor. Only two Councillors have, it would seem, resigned on political grounds since 1848. The Councillors are in fact Civil Servants, appointed for life to carry out the wishes of the Legislature, or of the sovereign people, as the case may be.

The Federal Council has no direct executive authority except in regard to foreign and military affairs, and a few other specified matters. Other executive business is in the hands of the Cantonal authorities, though under the supervision, and in some cases the control, of the Federal Council.

The President is simply one of the seven Departmental chiefs elected to the chair, like an English mayor, for twelve months. He wields no such authority as that of an

American, or even a French, President. Few people outside Switzerland are aware of his name, unless, as in the case of Giuseppe Motta, he plays an important part in international affairs. But that part Motta has played not as President but as Minister for Foreign Affairs, an office he has held since 1920. He it was who brought Switzerland—almost as suspicious of foreign 'entanglements' as the United States—into the League of Nations, in whose councils he has given to his country a weight and authority out of all proportion to its size, wealth, or military power. Motta is a great believer in the League of Nations, and a still more ardent believer in his own nation, more particularly in its basic federalism. Combining as he does the passion of a nationalist and the passion of an internationalist he believes that in Swiss federalism is to be found the model for European society as a whole. He is thus in the direct line of descent from Henri IV, with his 'Great Design' and with the Abbé de St. Pierre, with his scheme for the organization of *La Paix Perpétuelle*.

'Swiss Democracy', he said in one of his speeches, 'holds a unique place in history. It cannot be compared to any ancient or modern republic. No nation has ever governed itself so completely in accord with the collective will of the people. Ancient governments were in the hands of a small *élite* class who ruled over a multitude of slaves. The great States around us seek their ideals in a uniformity of race and language. That is not our ideal. We abhor discussions on race and language. From this point of view the ideal of our State is supernational. And because of this specific characteristic of our country we can be a practical factor for the establishment of peace.'¹

It is proudly said, but not without justification. Nevertheless Switzerland does not trust exclusively to a 'scrap of paper' for the guarantee of its integrity and independence, it keeps its powder dry.

To return to its Constitution. The Federal Council exercises considerable judicial powers, notably in the

¹ Quoted by E. Ludwig, *Leaders of Europe*, p. 199, which contains an admirable sketch of Motta.

sphere of quasi-administrative law. Of this there remains a considerable element in Swiss law—a legacy of the Napoleonic occupation, but there are not, as in France, any special administrative tribunals. Jurisdiction in these cases is exercised by the Federal Council. There is, however, also a Federal Court, consisting of twenty-four judges, appointed by the Federal Assembly. It acts as a Court of Appeal from the Cantonal Courts, and is specially charged to deal with conflicts of jurisdiction whether between Cantons or between a Canton and the Federal Government. But, unlike the Supreme Court of the United States, the Federal Court in Switzerland is not competent to question the validity of Acts passed by the Legislature. Its duty, like that of an English Court, is to interpret and apply them.

No analysis of Swiss Democracy, any more than of American Democracy, would be complete without reference to their Cantons and their Government. 'My shirt is nearer to me than my coat.' The Swiss proverb expresses the relation of the Swiss citizen to his Canton and his nation respectively. No general description of Cantonal institutions is, however, possible, for no two Cantons are exactly alike.

'The twenty-five more or less autonomous States which comprise the Confederation and this Confederation itself are', says M. Bonjour, 'political laboratories always at work. They are all so many small nations animated by a desire to perfect their political organization, and to develop their democratic institutions. They borrow from one another those forms of government which appear to succeed best.'

All the Cantons except Freiburg are, however, agreed on one principle—that of direct Democracy.

But the principle is variously applied. In six Cantons the primitive *Landsgemeinden* still survive; eighteen enforce the same principle by means of the *Referendum* and the *Popular Initiative*. Freiburg stands alone.

Switzerland is the classical home of the *Referendum* as an instrument of Democracy. It assumes a variety of

forms. In the national government all Constitutional Amendments *must* be submitted to a poll of the people. In ordinary legislation a poll may be demanded by eight Cantons or by 30,000 electors. In neither case can a Bill be carried save with the assent of a majority of the Cantons, and of the electors who take the trouble to vote.

The *Popular Initiative* is of two kinds. 'general' and 'formulated', and the device can be applied both to ordinary legislation and constitutional amendments. In the Confederation 50,000 electors are required to set it in motion: in the Cantons the number varies according to population. A 'general' *Initiative* requires the Legislature to introduce a Bill on a particular subject: the 'formulated' *Initiative* actually presents to Parliament a draft Bill, and Parliament is bound to submit it, without amendment, to a poll. Parliament may, however, submit simultaneously its own alternative proposal on the same subjects. The elector, therefore, has three alternatives: he may vote in favour of (1) the 'initiated' Bill, or of (2) the Parliament's alternative, or (3) against both.

The tendency is to reject both, but to prefer the parliamentary draft to that initiated by the electors. Similarly the *Referendum* tends in a negative direction; but in both cases persistence is frequently rewarded: a project which has been once or twice rejected is ultimately accepted—probably in an amended and improved form.

Opinion—foreign and domestic—as to the utility of these devices is naturally far from unanimous. Swiss publicists, particularly those who, like M. Bonjour, have held high office, are on the whole optimistic as regards the working of both devices. Legislative projects, if carefully thought out, are rarely rejected on a poll, though they are not infrequently 'referred back' for further consideration. 'Wild-cat' schemes for social regeneration are on the contrary rarely accepted. M. Bonjour holds that so far from weakening the responsibility of Parliament, these devices tend to intensify it, and to increase the care with which Bills are drafted. The *Referendum* may tend to

legislative infertility, but on the other hand it stimulates the political interest of the electors, and raises the standard of political education among the mass of the Swiss people.

M. Simon Deploige's verdict is more ambiguous.¹ He admits that the *Referendum* has wrought little mischief in Switzerland; but he denies that the device elicits a clear verdict on a particular issue. The popular vote is determined, he contends, by considerations hardly less various and even conflicting than those which operate at a General Election. M. Bonjour's judgement is, however, the more authoritative, and is based on more direct and recent experience.

In face of much conflicting opinion two things may, with ertainty, be affirmed. First, that the *Referendum* and the *Initiative* are native products, and are in complete harmony with the spirit of a direct Democracy, and secondly that Switzerland occupies a unique position in the European polity. Its constitution being *sui generis*, it would be dangerous to infer that institutions, which are innocuous or even valuable in the country of origin, would work equally well under conditions wholly different from those which prevail in Switzerland /

/ The aggregate population of the Swiss Confederation is considerably less than that of London; its total area about one-sixth of that of the United Kingdom. A large proportion of the people own the land by which they live, and are mostly simple and frugal in their habits. Above all they have served a long and arduous apprenticeship in the art of self-government, and are traditionally wedded to the principle of Direct Democracy. With that principle the *Referendum* and the *Initiative* in no wise conflict: to graft them on to the stem of Representative Democracy might be a hazardous experiment. Political institutions, as the next chapter will show, are apt to suffer by transplantation./

¹ *Referendum in Switzerland*, p. 293

XI. PARLIAMENTARY DEMOCRACY

The British Dominions Some Continental Constitutions

THE previous chapter ended on a note of warning. The warning does not apply to the British Colonies or Dominions. Representative Institutions are part of their heritage. British men and women have carried to their new homes in distant continents the political instincts and the political traditions inherited from ancestors who have undergone a long apprenticeship to the craft of self-government. Accustomed from the cradle to breathe the air of liberty British settlers have expanded their lungs in the spacious lands beyond the sea.

Complete self-government has, however, been attained by the Dominions only by gradual stages. The stages, though naturally not concurrent in the different Dominions, have been regular and uniform. In each stage Canada led the way—from a military régime to Crown Colony administration, from that to Representative Legislatures (established by the *Canada Constitutional Act of 1791*), and from that again to 'Responsible Government'. The establishment of 'Responsible Government' was the core of the recommendations made in his famous *Report* (1839) by Lord Durham. The prevailing discontent in both Canadas, Lower and Upper, was attributable to many causes, but it could be cured, in Lord Durham's judgement, only by a union of the two Canadas in one Province, and by the introduction into Canada of the Cabinet system, as developed in England, that is by making the local Executive responsible to the local Legislature. An Act for the union of the two Provinces was passed by the Imperial Parliament in 1840, and was brought into force by Proclamation in 1841. It provided for the union of Quebec and Ontario, for a Parliament of two Houses, and for a Civil List. There were other provisions, but no mention of a Cabinet. It was

not, perhaps, deemed feasible to put such a delicate bit of mechanism into an Act of Parliament. Nor indeed did the essential conditions exist in United Canada. Among those conditions the most indispensable is an organized Party system. In the Canadian House of Assembly there were half a dozen groups, but no coherent Parties. 'Not, therefore, until 1847 could the Cabinet system be introduced. In that year the Earl of Elgin was sent out as Governor with specific instructions to 'act generally on the advice of the Executive Council, and to receive as members of that body those persons who might be pointed out to him as being entitled to be so by possessing the confidence of the Assembly'. A more clumsy definition of the Cabinet system it would be difficult to frame, but the intention was clear. 'Responsible Government' was established in Canada, and by stages identical with those enumerated above was extended to the rest of the Dominions

In the evolution of the Canadian Constitution there was yet another stage to be registered. Lord Durham had pointed the way to the solution of the problems which immediately confronted him. But other problems emerged. The discovery of gold on the Fraser River (1856) caused a stream of immigrants to flow into the territory to the west of the Rockies, and in 1858 that territory was created a Crown Colony under the name of British Columbia. In 1866 it was united with Vancouver Island, which since 1848 had been under the control of the Hudson Bay Company. The Maritime Provinces on the Atlantic had, since 1864, been agitating for the establishment of a federal government in Canada, nor were other arguments, in favour of that device, lacking. Ontario and Quebec had, from the first, proved uneasy yoke-fellows under the Act of 1840. Moreover, immigrants were moving westwards towards the prairies. A unitary constitution was evidently unsuited to conditions in Canada. Geography dictated federalism, and accordingly a federal scheme was embodied in the *British North America Act* passed by the Imperial Parliament in 1867. Quebec, Ontario, New Brunswick, and Nova Scotia

were the original constituent Provinces of the new Confederation. Manitoba, carved out of the territories surrendered to the Crown by the Hudson Bay Company, was created a new Province and entered the Federation in 1870, and two more Prairie Provinces, Saskatchewan and Alberta, entered it in 1905. Meanwhile, Prince Edward Island had come in (1873), and two years earlier British Columbia had consented to join it, but only on the reasonable condition that it should within ten years be connected with the railway system of Canada. The Maritime Provinces had also stipulated that they should be linked up by rail with Ottawa, the capital of the new Dominion, and the stipulation was fulfilled by the construction of a line which was opened in 1876. To connect Montreal with Vancouver was a much more serious undertaking. Nevertheless, thanks to the indomitable pluck and perseverance of a small group of men, especially of Donald Smith (Lord Strathcona), George Stephen (Lord Mount Stephen), and Sir William van Horne, the Canadian Pacific Railway was constructed, and in 1883 was opened. Without the work of the engineers and financiers that of the politicians would have been in vain. It was the Canadian Pacific Railway that made Federalism a reality.

Canadian federalism differs from that of the United States in several respects. It has come into existence under the aegis of a monarch in whose hands the executive authority is technically vested. As in the motherland, however, the Crown acts on the advice of a Cabinet responsible to the Legislature.

As in the United States the Canadian Legislature is bi-cameral, but the Senate is nominated, not elected, and the Provinces of Canada are not equally represented in the Senate as are all the States of the American Union. Their legal appellation is significant; they are *Provinces*, not *States*; they exercise such powers only as are specifically delegated to them by the Constitution. Residual authority is vested in the Dominion Government. In America the reverse is the case.

Australia is the only other federal Dominion under the British Crown. It attained that dignity under the *Commonwealth of Australia Act* passed by the Imperial Parliament in 1900. Before their federation the six Australian Colonies, like New Zealand and the four Colonies in South Africa, had passed through the same constitutional stages as Canada, culminating, as in Canada, in the concession of Responsible Government. With that dignified position New Zealand remains content.

South Africa, from the time that it finally passed into the possession of Great Britain (1814), has been confronted by problems from which other Dominions have been happily exempt.¹ It was the acuteness of those problems that led the four South African Colonies, Cape Colony, Natal, the Transvaal, and the Orange River Colony, to adopt, after prolonged discussion, a Unitary in preference to a Federal form of Constitution. Effect was given to their wishes in the *Union of South Africa Act* (1909).²

All the British Dominions reproduce in their Constitutions most of the characteristic features of the Constitution of the motherland. All owe allegiance to the one Crown; in all the Legislative Body is bicameral, though in none is the Second Chamber even partially hereditary; in all the Executive is responsible to the Legislature; in all the Judiciary is independent, though in none does it exercise the peculiar powers entrusted to it by the Constitution of the United States. Between the Constitution of the motherland and those of the Dominions there is one important difference. The former is mainly unwritten and completely flexible, the flexibility of the latter is necessarily limited to some extent by the fact that the Constitutions are actually embodied in Statutes enacted by the Imperial Parliament.³ To what extent the 'Sovereignty' of the

¹ The position of the French in Canada is not comparable with that of the Dutch in South Africa. Still less do the Maoris in New Zealand present a problem comparable with that of the South African natives.

² For detailed analysis of the South African Constitution cf. Marriott, *Mechanism of the Modern State*, vol. 1, c. x.

³ New Zealand formed its own Constitution, but under an enabling

Dominion Legislatures is legally limited by that fact is a point of extreme nicety, more appropriate to the sphere of the jurist than of the historian, and to the jurist the cautious reader will refer.

This, however, may be boldly affirmed. The flexibility of the Australian Constitution is limited less by the Imperial Parliament than by its own provisions. Very elaborate and precise is the machinery for constitutional revision. Every proposed law for the amendment of the Constitution must be passed by an absolute majority in each House, and must then, after an interval of not less than two and not more than six months be submitted to the electors in each State of the Commonwealth. In order to become law the Amendment must be approved by (1) a majority of States, (2) by a majority of the electors voting in the Commonwealth as a whole. This provision safeguards the interests and rights—very jealously guarded—both of the smaller and of the larger States. Any amendment can be vetoed either by the four smaller States (if they are in unanimity) or by the preponderating population of New South Wales and Victoria. As a result, very few of the amendments thus submitted have been carried.

The States, then, occupy in Australia a much more important position than do the Provinces in Canada. The difference is reflected in the composition of the two Senates. The Senate of the Commonwealth is elected, and consists of thirty-six members, six representing each State great or small. The Canadian Senate is nominated by the Governor-General on the advice of his ministers. Its members must not exceed 104, of whom 24 are nominated to represent each of four divisions, into which, for this purpose, the Dominion is divided, and to these 96 the Crown may add 8 more. The Senate now (1935) actually consists of 96 members.

Neither the Provinces of Canada nor the States of the

Act passed by the Imperial Parliament. Apart from that the statement in the text must be accepted with caution enforced by reference to A. B. Kerth, *The Constitution of the British Dominions, passim*.

Australian Commonwealth are entirely content with the position assigned to them. The Maritime Provinces, with whom the idea of Confederation originated, have their grievances against the Dominion Government, more particularly in respect of railway communications. Western Australia has formally affirmed its desire to secede from the Commonwealth. In both cases geographical conditions are largely if not exclusively responsible for the prevailing discontent. The development of aviation may go some way to solve them. In none of the British Dominions is there, however, any disposition to abandon the democratic principles, inherited from the motherland, in favour of any of the several forms of Dictatorship which find increasing favour among the States of continental Europe.

No longer do the nations of Europe flatter Great Britain by imitating her form of Government. During the greater part of the nineteenth century the 'precedence' claimed for England by John Milton was freely conceded by State after State on the continent. Not all the States needed a model. In Hungary, for example, the tradition of self-government is as old, if not so continuous, as in England. The assent of the people both to legislation and administrations has been for long centuries the basis of its public law. Its bicameral Parliament goes back at least as far as the fourteenth century, though the Hungarian constitution took its final shape only in 1848. Hungary, then, could not yield 'precedence' to England. Nor could the Scandinavian nations. The Swedish *Riksdag* dates from 1359, and in 1617 the National Assembly was reorganized by Gustavus Adolphus on the basis of Estates. The four Chambers of nobles, clergy, burghers, and peasants met and deliberated apart. His reign was followed, however, by alternations between oligarchy and absolutism, until, after the disastrous wars of Charles XII Sweden reverted to almost unlimited Democracy, and Democracy, in the eighteenth century, spelt anarchy. The *coup d'état*, effected by Gustavus III in 1772, saved Sweden from the fate of

Poland, though at the cost of the almost complete extinction of popular liberties. Yet the *Riksdag* was never formally superseded, and in 1809 the fundamental laws of the kingdom were embodied in an elaborate Instrument, definitely democratic in tone. Executive power was vested in a Ministry responsible to the *Riksdag*, which down to 1866 continued to meet in four chambers. In the latter year the Legislature was reorganized on a bi-cameral basis—both Houses being elective—and by a series of Franchise Acts (1866-1912) the Electorate was completely democratized. The suffrage was extended in 1912 to women.

Denmark, down to the year 1660, might most accurately be described as an aristocratic oligarchy. There was, indeed, a King, but he was elective, and a National Assembly of three Estates, nobles, clergy, and burgesses. But power was concentrated in the Senate which was purely aristocratic in composition. The Danish aristocracy also imposed their authority upon Norway which from the Union of Kalmar (1397) down to the Napoleonic wars was virtually a dependency of Denmark. The aristocratic régime had, however, been brought to an end in 1660. The Crown then became hereditary, and from that time until 1830 was practically absolute. Denmark did not, however, escape the upheavals of 1830 and 1848, and from 1849 onwards Denmark has been governed under a Parliamentary Monarchy of the approved English type.

Norway, severed from Denmark in 1814, was joined with Sweden in a Personal Union which subsisted until 1905. The King of Sweden was King also of Norway, but Norway had throughout its own independent or co-ordinate legislature and its own Ministry responsible thereto. In 1905 the Personal Union with Sweden was dissolved and the Norwegian Storting invited the second son of the Crown Prince of Denmark (afterwards King Frederick VIII) to occupy the throne. The invitation was accepted, and under the style and title of Haakon VII the Danish Prince has since occupied the most democratic throne in Europe.

To the Constitutional evolution of the Low Countries,

prior to the revolution of 1830, reference has already been made.

After the establishment of Belgium as an independent Kingdom, the Northern Provinces (Holland) remained under the House of Orange, whose rule was, down to 1848, definitely personal; but the revolutionary outbreaks of that year moved King William II to accept large changes in the form of government.

The new Dutch Constitution, embodied in the Fundamental Law of 1848, was modelled on that of England. The monarchy was to be at once hereditary and constitutional, and the King was to act on the advice of ministers responsible to the States-General, which as the supreme Legislature was to consist of the Sovereign and two Houses. The First or Upper Chamber, instead of being appointed as heretofore by the King, was to be elected by the Provincial Estates. The Second (Lower) Chamber was to be elected on a popular suffrage which in Holland, as elsewhere, has, since 1848, been widely extended. By the Electoral Law of 1917 the franchise was conferred on all Dutch citizens of both sexes who have attained the age of twenty-five. The election is by the method of proportional representation.

Belgium, whose independence was guaranteed by the Treaties of London (1831 and 1839), owed its first King mainly to the insistence of Lord Palmerston. The Belgians had in 1831 elected as their King the Duc de Nemours, the second son of King Louis Philippe of France. Palmerston, however, firmly refused to allow the new kingdom to come into existence as a French province, and Louis Philippe was induced to decline the throne on his son's behalf. Prince Leopold of Saxe-Coburg, who had just refused the Crown of Greece, was then put forward as an alternative. The French Ministry protested: '*Si Saxe-Coburg met un pied en Belgique, nous lui tirons des coups de canon.*' But wiser counsels, backed by the firmness of Palmerston, prevailed. In June 1831 Leopold accepted the Crown and, having become a widower by the death of the Princess

Charlotte, conciliated French opinion by marrying an Orleanist Princess

If Belgium wanted a 'Constitutional' sovereign no better choice than King Leopold could have been made. He was thoroughly imbued with the principles of the English Constitution, and it was under his tuition that his niece, Princess Victoria, imbibed them. Those principles were embodied in the Constitution of 1831, under which Belgium is 'a constitutional, representative, and hereditary monarchy'. The Executive is vested in the King, but he acts on the advice of Ministers responsible to the Legislature. The Legislature consists of two Houses: the Lower is elected by the method of proportional representation on the basis of manhood suffrage. In 1921 the electoral franchise was also extended to certain categories of women who had suffered bereavement or imprisonment during the Great War and the German occupation. The Senate is in part directly elected; in part indirectly by the Provincial Councils, it is in part co-opted and also includes Princes of the Blood.

Modern Greece came into existence as an independent kingdom at the same time as Belgium, under the guarantee of Great Britain, France, and Russia. Nine years earlier (1821) the Greeks had revolted against the Turks, and until 1829 waged a desperate struggle for independence. That struggle evoked great sympathy in England and in France, many volunteers—distinguished and undistinguished—went from both countries to the assistance of the Greeks, whose position, when well-nigh desperate, was suddenly saved by the 'untoward event' of Navarino. In September 1827 the allied fleets of England, France, and Russia, having been fired upon in Navarino Bay, by the Turco-Egyptian fleet, entirely destroyed that fleet. Neither England nor France, however, was technically at war with Turkey, and the effects of Navarino might have been dissipated had not Russia, having her own cause of quarrel with the Turk, invaded the Balkans and marched on Adrianople. The Russian diversion saved the Greeks whose

virtual independence the Porte was constrained, by the firm action of Lord Palmerston, to recognize in 1830.

The protecting Powers, England, France, and Russia, decreed that Greece should be governed under a 'Constitutional' Monarchy. But where was the 'Constitutional' monarch to be found? The Crown, having been successively declined by Prince John of Saxony and Prince Leopold of Saxe-Coburg, was eventually accepted by Prince Otho of Bavaria.

King Otho was an inexperienced youth of eighteen, and quite untrained in the traditions of a Constitutional ruler; he surrounded himself at Athens with Bavarian politicians and Bavarian soldiers, and for ten years ruled as despotically as the Sultan. In 1843, however, he was compelled by a military revolt to grant a Constitution on the English model, with a responsible Ministry, a Senate, nominated by the King, and a Chamber elected by manhood suffrage.

The difficulty of working such a Constitution among a people as little habituated to parliamentary government as their Sovereign was almost insuperable, and it was aggravated by the persistent jealousy of France and England. King Otho, regarding the English, not unjustly, as responsible for the preposterous Constitution imposed upon him, inclined towards the French. Nor was English popularity increased by two visits of a British fleet to the Piræus, the first to enforce payment of interest on a loan, the second to extort redress for wrongs suffered by two British subjects at the hands of the Greek Government. The 'Don Pacifico' incident was not important except as illustrating the stupidity displayed by King Otho—the *enfant gâté de l'absolutisme*, in his dealings with foreign Powers no less than with his Greek subjects.

By 1862 the patience of the Greeks was exhausted, a military revolt broke out, and the King and Queen left Greece on a British gunboat, never to return. The Greeks proceeded to dispose of their Crown by a plebiscite, which resulted in favour of Prince Alfred, the second son of Queen Victoria, and he was proclaimed King on 3 February 1863.

The Protecting Powers had, however, resolved not to allow a cadet of the reigning House of any Great Power to accept the throne nor would Queen Victoria hear of her son undertaking so thankless a task. Foiled in their attempt to get an English Prince the Greeks offered their Crown to an English nobleman, Lord Stanley, who also declined it ¹ Ultimately the Powers obtained for the Greeks the services of Prince William George of Denmark who, at the age of seventeen, ascended the throne as George I.

The Constitution was revised in a democratic sense in 1864, and King George retained the throne until his assassination in 1913. His son King Constantine had a difficult part to play in the World War. His great Minister, M. Venizelos, was all for cordial co-operation with the Allies; the King's inclination was towards Germany. In June 1917 the Allies found it necessary to exclude him from the throne, but his younger son, Alexandros, whom the Allies had put on the throne, died in 1920, and the father was restored. The disasters to Greek arms in 1922 forced him, however, again to abdicate, and he died in exile in 1923. His son and successor, George II, was a mere puppet in the hands of the military Dictatorship which assumed the Government of the country after Constantine's final abdication. His brief reign was marked by a continuous conflict between the Crown and Venizelos, who in 1922 had been recalled to save his country. A general election, at last permitted in December 1923, returned a great majority for Venizelos, and King George II was requested to withdraw from Greece, pending a decision as to the future government of the country.

Against the advice of Venizelos a plebiscite declared for a Republic in 1924, Venizelos therefore left Greece, but the country found no rest under a succession of Republican governments, and in 1925 General Pangalos, by a *coup d'état*, established himself as Dictator. His Dictatorship was

¹ On his refusal Mr Gladstone's name was, to his own great amusement, suggested. The idea at least testifies to the anxiety of the Greeks to get an Englishman. Morley, *Life of Gladstone*, 1 620

abruptly ended in August 1928, and after a further period of confusion Venizelos again became Prime Minister (1928), and by his diplomatic skill did much to re-establish his country in European society. A revision of the Constitution in 1929 established a 'Constitutional' Republic.

This rapid sketch of the history of Modern Greece would seem to enforce a moral: the danger which awaits the attempt to impose upon a country an imported Constitution. Of the Balkan States which re-emerged from the ruins of the Ottoman Empire, Greece was the first to attain independence, and was, in many respects, the most favoured, if not the most fortunate. But its story serves rather as a warning than an example. It may be that after many experiments and much tribulation it has at last found political salvation in a Constitution which is at least a domestic product. But prediction would be hazardous. One thing may, however, be confidently affirmed · of foreign tutelage, Greece has had enough.¹

¹ The situation in Greece is again (May 1935) obscure. A revolution, headed by Venizelos has been vigorously suppressed by the Government, Venizelos, with a sentence of death hanging over him, is in exile, and a plebiscite is shortly to be taken to decide whether King George II shall be recalled to the throne.

XII. POLITICAL PERMUTATIONS IN SPAIN

Autocracy—Democracy—Dictatorship

THE main interest of Spanish history does not lie in Constitutional development. Yet the political permutations in the Iberian peninsula have been sufficiently numerous and significant to warrant a brief survey.

As regards parliamentary institutions Spain made a good start. Both in Castile and Aragon, not to mention the other kingdoms, central representation, as well as municipal privileges, developed early, and for a time gave promise of sturdy growth. As early as 1020 a charter was granted by Alphonso V to Leon, and Castilian cities were represented in the Cortes at Burgos in 1166, about a century before Simon de Montfort summoned the English towns to his famous Parliament. The Cortes of Aragon goes back farther even than that of Castile, or indeed of any other kingdom in Europe. Deputies from the towns appear in the Cortes of 1133, and again in the meetings of 1142 and 1164.

Premature development is, however, frequently inimical to vigorous growth. The Spanish Cortes was never entirely suspended as was the States General in France, but after the consolidation of Spain, and the development of a powerful and highly centralized monarchy, in the sixteenth century, parliamentary institutions ceased to exercise any real influence upon Spanish policy. For the decadence of the Cortes there were many reasons: one stands out pre-eminent. It is this: the parliamentary structure in Spain rested on a class foundation. The excessive privileges of the nobles and the burgesses respectively discouraged union between those classes. Nor would the clerical Estate combine either with the nobles or with the cities. There was, in short, no parliamentary solidarity. Consequently, the Crown was able, by allying itself with the towns against the nobles, or with the clergy or the nobles against

the towns, gradually to increase its own exiguous powers, and finally to erect an unlimited autocracy upon the ruins of a Parliament which had never become really national.

The Crown, on the contrary, was, from the sixteenth century onwards, a national institution. Under Charles I¹ and Philip II Spain attained to a pre-eminence in world affairs which if transitory was unquestioned. But the kings of the seventeenth and eighteenth centuries were unequal to the task bequeathed to them. Charles III (1759-88) was, indeed, one of the most enlightened of the 'enlightened despots' of the eighteenth century, and with the help of Aranda and Florida-Blanca did all he could to arrest the decadence of his country. But his genuine zeal for reform won him no gratitude from his subjects: he was as unpopular as his successor Charles IV, with his stolid stupidity, was popular.

Spain was past help, and in 1808 Napoleon contemptuously pushed aside the Bourbons and enthroned his brother Joseph at Madrid. Then the miracle happened. The Spanish people, hopelessly decadent, sunk in political inertia, hide-bound in superstition, ecclesiastical and economic, a people which had seemingly lost the tradition of political liberty, suddenly raised the standard of national insurrection, and not merely spurned the Buonapartist intruder but lighted the flame of the nationalist movement which, with the backing of England, shattered the proud edifice of the Napoleonic Empire, and liberated Europe from its yoke.

From Spain the living spark went forth;
The flame hath caught, the flame hath spread.

Southey's *Carmen Triumphale* may not be great poetry; but it accurately reflected the spirit of the time, especially among British people. Castlereagh, Canning, all parties in England, recognized the significance of the Spanish rising, and did all in their power to sustain it.

But the war waged by the Spaniards was of the guerrilla type. Guerrilla fighting is the natural resource of a people

¹ Better known as the Emperor Charles V

infused with the spirit of liberty but lacking the political organization which can alone make it effective

The Constitution of 1812 was drawn up to supply this deficiency. The work of a small democratic party, based upon the unworkable French Constitution of 1791, it was hopelessly crude and fantastic and in no way adapted to the genius and traditions of the Spanish people. Yet it is significant as the first effort of modern Democracy in Spain. It proclaimed the doctrine of the Sovereignty of the people, and vested fundamental power in a single-chamber Cortes from which Ministers were excluded

In the hands of a strong and wise king it might have formed the starting-point for the development of a parliamentary régime. Unfortunately Ferdinand VII, who in 1814 was restored to the throne of his father, was neither wise nor strong. A contemptible compound of superstition, sensualism, and cruelty, he plunged into an orgy of reaction: he revoked the Constitution of 1812, dissolved the Cortes, restored the Inquisition, recalled the Jesuits, reinvested the nobles with all their antiquated privileges, gagged the press, and relentlessly persecuted all the adherents of the Buonapartist régime

This royalist terror persisted for six years, but in 1820 revolution broke out at Cadiz, Ferdinand made an abject surrender, the Constitution of 1812 was restored, and from an orgy of reaction Spain plunged into an orgy of reform. In 1823 France intervened as the agent of the Holy Alliance to crush the revolution, and until the death of Ferdinand (1833) absolutism reigned supreme

On his death civil war broke out between the adherents of his brother Don Carlos and those of his wife Christina, representing his infant daughter Isabella. Neither into the claims of the rival parties, nor into the chaotic history of Isabella's reign is this narrative constrained to enter. A new Constitution was promulgated in 1834, only to be superseded by another in 1837 and by a third in 1845. Though based on opposing principles none of them brought happiness or repose to a distracted country. At last, in

1868, the disreputable Queen Isabella was compelled to abdicate; and after a further period of confusion (which contributed, incidentally, to the outbreak of the Franco-German War in 1870), a king was imported from Italy, but he in turn abdicated in 1873, and a Republic was proclaimed.

But it was indeed 'a republic without republicans': it struck no roots in the monarchical and clerical soil of Spain; the country was saved from complete anarchy only by investing a succession of Presidents with virtually dictatorial authority, and at the end of 1874 the army restored the Bourbon dynasty in the person of Isabella's son, Alphonso XII.

The new king fortunately found a strong Minister, Canovas, who practically governed the country with brief interruptions for the next ten years. The Carlists were at last reduced to submission, and in 1876 a new Constitution was adopted.

This Constitution which remained in force for nearly two decades was avowedly based upon an English model. The Executive was vested in an hereditary and constitutional monarch who was to be personally inviolable, but advised by a Ministry drawn from and responsible to the Legislature. The departmental Ministers were collectively to form the Cabinet. Legislative power was vested in the King and a Cortes of two Chambers. The Lower House was to be elected partly by the method of proportional representation, but mostly by single-member constituencies. All males over 25 were registered as electors and, as in Belgium, were compelled to vote. The Senate was to consist of not more than 360 members: of whom not less than half were to be elected from certain categories by the Provincial Estates and various corporations, such as Universities and Royal Academies. Not more than half the Senate was to consist (a) of Senators in their own right, such as Princes of the blood royal, wealthy grandees, and holders of high offices in Church and State, and (b) of persons nominated by the Crown from the same categories as the elected

members The structure of this Senate has an interest for Englishmen since it approximates more nearly than that of any other Second Chamber to the schemes sometimes recommended by reformers of the House of Lords for adoption in this country.

The Constitution of 1876, though it lasted longer than most of its predecessors, functioned with only moderate success. Nor is the reason far to seek. Parliamentary government, in the complete sense, demands for its success a well-organized party system. Parties have never been clearly defined in Spain The Chamber was always split up into a number of groups, and the attempt to reproduce in the Cabinet the relative strength of various groups led in Spain, as in France, to a rapid succession of weak ministries

There is another reason The Constitution of 1876, though it vested large powers in the Provincial and Municipal Councils, was essentially unitary the genius of Spain is essentially federal History has combined with geography to accentuate provincialism in Spain, the Monarchy has never been strong enough, except in the sixteenth century, to overcome the centrifugal tendencies inherent in the physical configuration of the country and in the political traditions of the people Those tendencies were never more consistently operative than in the unhappy reign of Alphonso XIII (1902-31) A posthumous son, Alphonso XIII was born a King (1886). Sympathy for his widowed mother, the Regent, and the royalist sentiment, always strong in rural Spain, maintained the throne until in 1902 the boy-King was declared of age The death of Senor Sagasta (1903) deprived him of his most sagacious counsellor, and during the next three years no fewer than five Conservative Cabinets succeeded each other at intervals of a few months

Ministerial instability faithfully reflected conditions in the country The King's marriage (1906) to a granddaughter of Queen Victoria strengthened Alphonso's position in European Society, but neither his marriage nor the

personal courage, conspicuously displayed when his life was more than once attempted, could assure the stability of the throne.

Man combined with nature to perpetuate divisions among the Spanish peoples. The country, physically disunited, was torn by party strife. Between the clericals and the secularists, between the Socialists and syndicalists of the industrial north and the Conservatives of the agricultural south, between republicans and monarchists, between the army and the civilians, reconciliation was impossible. Distractions at home were not assuaged by success abroad. The final loss of the last remnants of the Colonial Empire (1899), once the proudest and richest in Christendom, was perhaps felt as less of a humiliation than the failure of Spanish arms in Morocco, culminating in the disaster of 1921. For the gross abuses, both in the military and civil administration, contributory to that disaster the King was held primarily responsible.

By 1923 Spain was, then, in a desperate condition. The King who, though well intentioned, was at once obstinate and weak, had been forced to depart farther and farther from the strait path of Constitutional Monarchy. Confronted with thirty-three changes of Ministry in twenty-one years, he might have supplied a fragment of solid ground in a shifting and dangerous morass. But Morocco had for years been draining the life-blood of Spain, and bringing the country to the verge of bankruptcy, political and material.

It was under these circumstances that a courageous soldier, devoid of all political training or experience, resolved to deliver his King and his Country from the fetters imposed upon them by gangs of corrupt and inefficient politicians. General Primo de Rivera, Marqués de Estella, was born in 1870 of an old Andalusian family. His uncle, from whom he inherited his title, was a stout soldier who had won distinction in the Carlist wars and had been rewarded with a marquisate. The nephew was of like calibre. A great patriot, he deeply lamented the condition of his country, and with the aid of colleagues in the army

he carried out a *coup d'état* on 13 September 1923. Being at the time Captain-General at Barcelona he suddenly proclaimed martial law in that city, and addressed to the nation a *pronunciamento*. The King, at the General's bidding, dismissed his civilian Cabinet and confided the Government to a Directory of six generals and one admiral.

Thus was the *coup d'état* bloodlessly accomplished, and for the next six years Primo de Rivera and his colleagues ruled Spain. The rigid 'Constitutionalists' could never forgive the Dictator, and were even more bitter in denunciation of a 'perjured' King.

'The final word which swept away the [parliamentary] régime came from the King's own lips. . . Thus ended the Constitution which had been framed for his father by Canovas and Sagasta, and under which his mother had saved his crown during the longest regency which Spain had known. A devout Catholic he made the sacrifice of his oath on the Gospels, a King, he broke his royal word.'

Professor Madariaga's words, however exaggerated, reflect the attitude of the 'Liberals', and explain much that happened in the decade that followed the *coup d'état*.

Meanwhile, the Dictator cleansed the administration, both central and municipal, resisted the separatist movement, restored the finances, re-established the currency, encouraged agriculture, and immensely improved the material condition of the country. Above all he solved the problem of Morocco and delivered Spain from the mill-stone which threatened to drag her down to destruction. In December 1925 the Dictator appointed a departmental Ministry of Civilians in strict subordination to himself, and in 1927 summoned not the old Cortes but a 'National Assembly', to whose patriotic zeal Primo himself paid a high tribute.

No Government, however, can escape the law of its origin. Primo's power rested ultimately on the army. The army called for reform hardly less urgently than the civil administration, but to reform the army was to make

enemies of his best friends. After more than one failure Primo's enemies prevailed; in January 1930 he was dismissed by the King; in March of the same year he died.

The Dictatorship proved fatal to the Monarchy. King Alphonso could never regain the popularity he had lost by surrender to the army; republican sentiment was strengthened by an unwise postponement of a General Election for the Cortes; the local elections on 12 April 1931 demonstrated the hostility of the cities to the Crown; and though rural Spain remained devotedly loyal, the King, rather than plunge Spain into civil war, left the country (14 April).

A Republic was immediately proclaimed; a Provisional Government was set up, and in December of the same year a new Constitution was promulgated by a Constituent Cortes, which had been elected in the summer.

Supreme authority is vested in a single-chamber Cortes elected for four years by the votes of all citizens of both sexes over 23 years of age. The representation is proportional. The President is elected by the Cortes for six years (not being re-eligible until after the same interval); he is advised by responsible ministers, and can at any time be dismissed by the Cortes. On the other hand, he can dissolve the Cortes, but not more than twice during his Presidential term. The Cortes also appoints a Permanent Committee of twenty-one members drawn from all parties, and empowered, with the assent of the President and Cabinet, to issue Decrees, when the Cortes is not in session.

The Republic has survived some heavy storms, but whether it can firmly establish itself it is impossible to predict. For a century and a half Spain has been in a state of almost continuous turmoil; it has lost all but a tiny remnant of its Colonial Empire, once its pride and the envy of the world; and it has made a number of experiments in government, ranging from Democracy to Dictatorship, but none of them has provided more than a temporary solution of the problems that have distracted and divided a proud but restless people.

XIII A POLITICAL LABORATORY

Democracy in France

FOR more than a century France has been pre-eminently the land of Constitutional experiments. From autocracy to limited monarchy; from that to republicanism, under a variety of forms, from the Republic to the Consulate, from the Consulate to the Empire; from the Empire to a chartered Legitimacy; from Legitimacy to the Orleanist Monarchy, from the Citizen Monarchy to the 'Bourgeois' Republic of 1848; from the Second Republic to the Second Empire; from the Napoleonic to the 'Liberal' Empire, and from the Liberal Empire to a Parliamentary Republic—such are the political experiments which in the course of the period 1792–1871 France has tried

Yet down to the year 1792 no country in Europe possessed a Government so orderly in outline, so logical in development, so perfectly symmetrical in form. Over the feudal oligarchy the Crown slowly but without check established its authority, until after a century of increasing centralization Louis XIV could say with literal accuracy: *L'état c'est moi*. But the Crown outlived its utility and deteriorated in quality. The absolute monarchy of Louis XIV, under which France attained, even if at great expense, the zenith of splendour, degenerated into the unsuccessful despotism of Louis XV. Louis XVI, entirely well-intentioned, was too weak to emancipate himself and France from a privileged but decadent aristocracy, and a clerical hierarchy, not less privileged and still more unpopular than the hereditary nobility. The Revolution came in 1789. Philosophy supplied it with a dogma—the 'Sovereignty of the People', the Monarchy was abolished and the King murdered, the Republic attempted to impose its dogma upon Europe; Europe resisted the attempt in arms, war put power into the hands of a soldier of genius, and by successive stages General Buonaparte established

the Napoleonic Empire By his attempt to impose his yoke upon Europe, Napoleon called forth the new spirit of nationalism, and to nationalism, supported by the English fleet, victory was vouchsafed under an English soldier.

Waterloo finally brought the Napoleonic Empire to the ground. The Bourbon Monarchy was restored in France by the victorious allies in 1814, and again, after the episode of the Hundred Days in 1815; but it was Legitimacy limited by Charter. The attempt of Charles X to cancel the Charter destroyed the Legitimate Monarchy, and for eighteen years, 1830-48, France tried the experiment of Constitutional Monarchy *à la mode Anglaise*. Louis Philippe did his best to play the part of a 'citizen' king. He was affable and accessible, the crown and sceptre were laid aside; a white tall hat and a green umbrella better became the elect of the *bourgeoisie*. Louis Philippe's régime, though his parliaments were grossly corrupt, was not unpopular, but it failed to evoke enthusiasm. *La France s'ennuyait*: the bourgeois monarchy committed the unpardonable sin: France was frankly bored

In 1848 the Monarchy was not overthrown: it collapsed. The Republic was again set up, but its career was short. Such driving force as there was behind the revolution of '48 was supplied not by the Democrats but by the Socialists. Consequently, the new Republic was compelled to proclaim the 'right to work'. Like the First Republic the Second was destroyed by dogma. Louis Blanc's slogan led to the experiment of the *ateliers nationaux*. How far the experiment was honestly tried is still a matter of dispute.¹ But there can be no dispute that it brought France to the verge of ruin. The Republic had the courage to bring the experiment abruptly to an end. Not, however, until after a bloody battle in the streets of Paris (the 'days of June') did the Socialists surrender. The Republic was saved for the moment, but in destroying Socialism it destroyed itself; the fruits of its victory were reaped by a man hitherto

¹ For a full account of *The French Revolution of 1848 in its Economic Aspect* (ed. Marriott), 2 vols. Clarendon Press, 1913

regarded as a ridiculous Pretender Called upon to elect by manhood suffrage the first President of the Republic, the French people gave to Lamartine, the hero of the February Revolution, 17,910 votes; to General Cavaignac, who in the crisis of June saved the Republic, they gave 1,448,107, to a third candidate who, at the opportune moment, had returned from exile and declared that his name was the symbol of 'order, nationality and glory' they gave the amazing total of 5,434,226 votes Prince Louis Napoleon Buonaparte, elected President of the Republic in 1848, obtained confirmation and prolongation of his tenure by a *coup d'état* in December 1851, and exactly a year later, by a second *coup d'état*, he transformed the Presidency into an hereditary Empire

The first ten years of the Second Empire was a period of almost undimmed splendour for France, of brilliant success for its Emperor. The Crimean War which brought defeat to Russia, and little satisfaction to England, brought greatly enhanced prestige to Napoleon III. The war of Italian Liberation sowed the seeds of future embarrassment for the Empire, but at the moment the French people were dazzled by the victories of French arms at Magenta and Solferino By 1860 Napoleon III had some claim to be regarded as the arbiter of Europe the prestige of France stood higher than at any time since the fall of Napoleon I

The second decade of the Empire witnessed a succession of disasters The Emperor's personal prestige suffered greatly from his failure to succour the Poles in 1863, the Danes in 1864, and Austria in 1866 All the prestige that Napoleon lost, Bismarck gained The Mexican tragedy—the murder of Napoleon's protégé, the Emperor Maximilian (1867)—further diminished the popularity of the Empire. The revision of the Constitution, the initiation of *L'Empire Liberal*, did nothing to restore it The Franco-German War (1870) extinguished it The surrender of the Emperor at Sedan (2 September) was immediately followed by the collapse of the Empire On 4 September the Republic was again proclaimed in Paris

Thiers and Gambetta did their utmost to avert the worst consequences of defeat. In vain. Before they could conclude peace with the Germans they had to quell an insurrection in Paris. Victory over the *Commune* was achieved only after a second siege of Paris, this time conducted by a French army, and after fierce fighting in the streets of the capital. Peace with Germany was only bought by the surrender of Alsace and Lorraine, and the payment of a large indemnity.

The recovery of France, after the disasters of 1870-1, was, however, astonishingly rapid and complete, and in 1875 the Third Republic was definitely established. Napoleon III died in England in 1873. The young Prince Imperial, his only son, was killed in South Africa in 1879, thus extinguishing the hopes of the Buonapartists. Between the Legitimists and the Orleanists there was perpetual discord. The Comte de Chambord, representing the Legitimists, refused to abate one jot of his pretensions even though the price of obstinacy was the final exclusion of his House from the Throne of France.

The Republic of 1875 was, then, the *dernier ressort*. 'The Republic', said Thiers, 'is the form of government that divides us least.' That was the most that could then be said for it. Moreover, the Constitution of 1875 was drafted by Monarchists, and in a form which would, in happier days, be easily adaptable to a Limited Monarchy. It may, indeed, be shortly described as a Constitutional Monarchy without a monarch.'

French Democracy, like its English prototype, is essentially Parliamentary. The President is elected by the National Assembly for a term of seven years, and is re-eligible. He is irresponsible save in the event of his being convicted of high treason. From 1871 to 1875 the President had been responsible to the Legislature, but the inconvenience and even the danger of this principle quickly became apparent; it was clearly inconsistent with the idea of Parliamentary Democracy, and in 1875 it was abandoned. M. Raymond Poincaré thus described the position

of the President in 1913 'The President presides but does not govern; he can form no decision except in agreement with his Ministers' the responsibility is theirs' More sardonically Sir Henry Maine (1885) compared the position of the Head of the State in three modern Democracies.

'There is no living functionary who occupies a more pitiable position than the French President The old Kings of France reigned and governed The Constitutional King, according to M Thiers, reigns but does not govern. The President of the United States governs but he does not reign It has been reserved for the President of the French Republic neither to reign nor yet to govern'

Maine's analysis does rather less than justice to the position of a French President It is one of high dignity and considerable political influence It is true that when in 1924 M Millerand attempted to exalt his political power the Chambers made his position untenable and he was forced to resign But a tactful President exercises real power. He regularly presides at the *Conseil des Ministres*, and, moreover, owing to the instability of the Parliamentary Executive, and the absence of the two-party system, the French President has more freedom of individual choice than an English Sovereign in the selection of a Prime Minister and the allocation of ministerial offices He has no veto on legislation, but he can (for not more than one month) retard the promulgation of a projected law, and can require the Legislature to give it further consideration. He can adjourn the Chambers, but only for a period not exceeding one month and not more than twice in one session; he can, and frequently does, summon Extraordinary Sessions of the Legislature, and can dissolve the Chamber of Deputies before the expiration of its legal term, but only with the consent of the Senate

The necessary concurrence of the Senate in a premature dissolution of the Chamber has recently (1934) been the subject of excited controversy in France. M Gaston Doumergue was, in February 1934, called from his retire-

ment to save the State. He responded to the call; he successfully surmounted one of the most critical situations the Republic has ever had to face, but before he had been in office many months he insisted upon a revision of the Constitution. His main object was to strengthen the Executive as against the Legislature. He proposed that there should be a Cabinet Secretariat on the English model; that the political power of the bureaucracy—the *fonctionnaires*—should be curtailed; and that the private member should be deprived of the right—most mischievously exercised—to initiate proposals for public expenditure.¹ And in particular he demanded that the Prime Minister should be empowered to dissolve the Chamber without the assent of the Senate. He imagined that in this demand he was merely asking to be placed in the position of an English Premier. He was probably mistaken in that assumption, but anyway his demand was hotly resisted by the Radical-Socialists, he refused to carry on without the powers he sought, and in November 1934 resigned.

The controversy and its issue admirably illustrate the genius of the French Constitution as contrasted with its prototype. In England the power of the Executive is continually increasing at the expense of Parliament. The French Legislature exercises far more control over the Executive than is the case in England. To this point we must return.

The French Legislature, like the English, consists of two Houses. The Senate is, however, decidedly more powerful than the House of Lords. Its existence and rights rest upon a *Constitutional Law* of 1875 which is, save by a special process, unalterable. Its composition, on the other hand, is regulated by an ordinary Statute which can be amended or repealed by the same process as any other Statute. The Senate consists of 314 members, elected for a term of nine years, one-third of its members retiring every third year. The election is indirect, being vested in an Electoral

¹ In England all money grants are made on the demand of the Crown, and can be proposed to Parliament only by a minister of the Crown.

College, in each Department.¹ It has the right to reject money Bills, and except in regard to the initiation of such Bills, has concurrent and equal rights with the Chamber. Sitting as the National Assembly at Versailles, together with the Chamber, it elects the President, and in the same manner can amend the Constitution. It shares with the Chamber the Treaty-making power, and with the President the right of dissolving the Chamber of Deputies. The latter prerogative is evidently one of high significance. An English Premier can, as a general rule, though not of right, obtain from the King a dissolution of Parliament, thus appealing to the Electorate against (it may be) an adverse vote of the House of Commons. A French Premier, in parallel circumstances, must also obtain the assent of the Senate. This limitation plainly gives to the Senate a power over the Executive, such as the House of Lords does not possess. Its insertion in the French Constitution is the more significant in view of the fact that France has twice, in the course of her Constitutional experiments, established a single-chamber Legislature. In 1791 the experiment, disastrous from the outset, lasted for four years, the second, initiated in 1848, lasted for about three years. It is noteworthy that, many as have been the Constitutional permutations between 1791 and 1935, the single-chamber experiment has never, save in these two instances, been attempted.

The Chamber of Deputies consists of 612 members, directly elected for four years in single-chamber constituencies. Second ballots are held in cases where, on the first, no candidate has obtained an absolute majority of votes. The idea of proportional representation is dear to the logical French mind, it was adopted in the elections of 1919 and 1924, with the Department as the electoral unit, but the results were not satisfactory, and in 1928 the single-member constituencies were restored. This method has not, however, proved any more satisfactory than Proportional Representation. It has done little to amend the

¹ For details of this method, and for the French Senate generally, cf. Marriott, *Second Chambers*, Clarendon Press (revised edition, 1927).

'Group' system, and to consolidate parties. That is, in truth, the inherent vice of the parliamentary system in France, and no electoral device has, as yet, availed to eradicate it.

It is, indeed, closely connected with another characteristic of the French Polity. The French people, when they go to the Poll, are electing a Legislature, not an Executive. An English General Election is, in increasing measure, a vote for a particular Ministry, if not a particular Minister. The larger the electorate the more marked this tendency. The French elector thinks more of the individual Deputy, the Englishman more of the Ministry his member will support in the House of Commons. The difference accords with realities. The individual Deputy stands for more in France than the M.P. in England. Thanks to the Committee system, and to the precarious tenure of ministries,¹ the French Deputy has a more direct share in the *governing* of France than the private member in the House of Commons. But with all this it may be doubted whether the French Legislature occupies so honoured a place in the national life of France as Parliament does in England. This paradox is easily explicable: in England Parliament, as we have seen, is legislatively sovereign; in France sovereignty is derived from, if not exercised by, the people. The English Parliament still retains something of the respect due to venerable antiquity. The French Legislature is a mushroom growth, the creation of the laws of 1875. The English people believe, and justly, that their national life has been largely moulded by Parliament, Frenchmen know that France was made by her kings.

Yet in France there is little chance of a monarchical restoration; in England the Monarchy is more strongly entrenched in the affectionate respect of the people than at any previous moment in its long history. No such affection is evoked by an elected President: still less by a party Cabinet. Nor can an elected President be so entirely irre-

¹ The average life of a ministry during the Third Republic has been about eight months. There have been ninety-seven ministries since 1870.

sponsible as an hereditary Sovereign. The text of the existing French Constitution was evidently framed with the object of making the President as like an English King as under the circumstances he could be. In the eagerness of imitation it even omits all reference to a Cabinet. Yet the French Cabinet has developed into an almost exact replica of its English prototype, save that it meets in two capacities:

- (i) as a *Conseil des Ministres*, at the Elysée in the presence of the President;
- (ii) as a *Conseil de Cabinet* under the chairmanship of the President of the Council (the Premier).

All formal business is translated in the former, and there all large decisions on policy, especially foreign policy, are taken. The *Conseil de Cabinet* is concerned largely with those details of parliamentary business and party tactics, which necessarily, but unfortunately, occupy a disproportionate part of the time of an English Cabinet.

The resemblances of the two systems are, however, much more evident than the discrepancies. England and France stand out as the most conspicuous examples in the world of Parliamentary as opposed to Presidential Democracy, of Democracy *sans phrase*, as opposed to Dictatorship.

XIV. MODERN DICTATORSHIPS

The Dictatorship of the Proletariat—The U.S.S R

DICTATORSHIP is the outstanding phenomenon of the post-war world. Yet a large part of this book has necessarily been devoted to an analysis of various types of Democracy. The idea of Constitutional Monarchy, of an Executive responsible to Parliament, gradually won its way to victory in England in the course of the seventeenth and eighteenth centuries. A responsible Executive is the core and essence, the differentiating characteristic, of Parliamentary Democracy. From the day when Great Britain recognized the independence of her thirteen colonies in North America (1783) Democracy, of various types, advanced, with few interruptions, and as it seemed irresistibly, towards final victory among the progressive peoples of the world. That victory, it was fondly imagined, would be crowned by the issue of the World War. Universally welcomed it was not, but no one doubted that it was inevitable.

The World War dispelled that illusion. One country after another has accepted the principle of Dictatorship: some in one form, some in another, some in reaction against Parliamentary Government, others in exchange for autocracy, or to avert anarchy. A bare enumeration of the facts is impressive, more impressive perhaps than detailed analysis, though a few typical Dictatorships will presently demand it.

The year 1917 witnessed the Russian Revolution and the establishment of the Bolshevik Dictatorship, 1922 the Fascist Dictatorship, under the aegis of the hereditary monarchy in Italy. In 1923 General Primo de Rivera established in Spain, with the extorted assent of the Crown, a Dictatorship, not destined to long life. Still shorter was the life of the Dictatorship set up in Greece by General Pangalos (1925-6). In 1925 Mustapha Kemal Pasha abolished

not merely the Sultanate of Turkey, but the Khalifate, and established, under republican forms, a personal Dictatorship at Angora. In 1926 Poland, after a brief trial of Parliamentary Democracy, confided dictatorial authority to Marshal Pilsudski. Lithuania followed the example of Poland in 1927, and in 1929 King Alexander saved the young kingdom of Jugo-Slavia from premature disruption by the establishment of a Monarchical Dictatorship. In 1933 Herr Hitler swept away the Parliamentary Constitution evolved in 1919 by the Constituent Assembly at Weimar, and set up himself as Dictator in Germany. Herr Dolfuss followed his example in Austria. Such is the catalogue. One or two of the items must be analysed in more detail.

First in point of time and not least in significance was the Dictatorship of the Proletariat established, under the leadership of Lenin and Trotsky, in Russia.

The Revolution had broken out on 13 March 1917. On the 15th the Tsar Nicholas abdicated in favour of his brother Michael who accepted the Crown, and on the 16th issued a manifesto to the people, but never reigned. The Tsar Nicholas, his wife and five children were, after more than a year's imprisonment, foully murdered at Ekaterinburg (16 July 1918). It is fair to add that their tragic fate was due immediately to the fear inspired in the minds of their jailers by the advance of the 'White' army under Admiral Kolchak, but it was none the less murder most foul.

Revolution had long been threatening in Russia.

'There are so many presages of revolution in this country that I quake in every limb to think of them. Can this armed people ever go back peaceably to their original state? Will they lay down arms as easily as they laid down the spade and mattock? Will this scattered peasantry starving in the forests become submissive slaves once more?'¹

So Count de Maistre, the Sardinian Envoy at St Petersburg, wrote to his King in 1812. The outbreak, foreseen by

¹ Quoted by Count C. Sforza, *European Dictatorships*, p. 157.

an acute diplomatist, was deferred for a century. But, as a fact, Russia had long been familiar with the idea of revolution. All previous revolutions had, however, come from above. The first of them was effected by the Tsar Vladimir who in 988 diverted the stream of Russian history by imposing on a pagan peasantry the forms of the Orthodox Church. Thus was introduced into Russia, together with the faith of Constantinople, the despotic ideas of the Byzantine Empire. Thus was Russia cut off, in culture and religion, from the nations of western Europe.

A second revolution was effected by Peter the Great (1689-1725). His object was to bring Russia into the western world. Peter, as Professor Toynbee shrewdly observed, was 'not only a western man, but a western man of the twentieth century . . . a born Yankee'.¹ By his victory over the Swedes, Peter opened a window to the west; by his victory over the Turks a window to the south, a window which, though temporarily closed again (1711-39), tempted the Russians to look towards Constantinople and the narrow Straits.² At home Peter carried through with ruthless severity, with complete disregard for Russian traditions and for the prejudices and interests of individuals, a drastic revolution, social and industrial, ecclesiastical and military. Peter had, indeed, all the faults of the impatient radical doctrinaire: his work was consequently superficial and its results did not endure.

From Peter's day onward Russia witnessed violent oscillations between reactionary and reforming rulers. The Tsar Alexander I (1801-25) combined the two: a Jacobin in his early days; a blind reactionary in his later. His successor Nicholas I (1825-55) was Russian to the core, and a consistent reactionary. Alexander II (1855-81) was a drastic reformer for the first decade of his reign, but in the later reactionary, until the 'Liberator Tsar' fell a victim to the Nihilists in 1881. His work embraced every

¹ *Our Neighbours*, p. 195

² For further detail see Marnott, *The Eastern Question* (3rd ed.) c. vi, and Gornanow, *Le Bosphore et les Dardanelles*

department of the national life: education and the press, the administration of justice and local government, but he is best remembered by his edict for the emancipation of the Serfs (1861).

The assassination of Alexander II (1881) was followed by a period of reaction which lasted until the defeat of Russia at the hands of Japan (1904-5). Yet even in a period, predominantly reactionary, there were movements in Russia which portended change. The idea of self-government was kept alive by the *Zemstvos* (county councils) reorganized by Alexander II in 1864; Bakunin and the Nihilists stirred up a spirit of revolt, and an incipient 'industrial revolution' brought into being an urban proletariat. Not, however, until the Russo-Japanese War revealed to the world that the great Colossus had feet of clay, and brought home to Russians the inefficiency of the Tsardom, did the reform party venture to resume the movement suspended in the later years of Alexander II. The first step was to abolish the Press censorship, the second was to summon a conference of *Zemstva*, which met in St Petersburg in November 1904. This conference not only drafted another programme of political reform, but gave a powerful impulse to political agitation throughout the country. An incident which took place on 2 January 1905 added fuel to the flame. On that day a procession of workmen in St Petersburg was fired on by the troops, with results which caused the day to be known as 'Red Sunday'. Disturbances continued, and culminated in the summer of 1905 in a general strike. Meanwhile the Government had already decided to summon a Representative Assembly, or Duma, endowed with merely consultative powers. After the general strike, however, Count Witte, who had given proof of statesmanlike qualities when appointed to the Ministry of Finance in 1892, was recalled to power. He decided that the proffered concessions must be enlarged, and a Duma endowed with legislative powers, and elected on a simpler and extended franchise, was summoned.

The Duma met in May 1906. There were two legislative

Chambers: an Upper House, consisting of the old Council of the Empire in a reorganized form, and an elected Lower House. The majority of the Lower Chamber belonged to the party known as the Constitutional Democrats or *Cadets*, led by men like Struve and Milukov; there was also a considerable party of strong Conservatives; a Right Centre, known as the *Octobrists*, and a small Socialist representation. The meeting of this first Russian Parliament was hailed with the utmost enthusiasm throughout the Empire; a new day of liberty had dawned, it was believed, for Russia. Never were high hopes destined to more bitter disillusionment. On the eve of the opening of the Duma there was issued by the Government a *Fundamental Law* which reaffirmed in the most unequivocal terms that in the Emperor alone supreme and autocratic power was vested. Of his grace he was prepared to share with the Duma his legislative functions, but in him and him alone sovereignty was to continue to reside.

No sooner, however, was the Duma opened than the Cadets formulated their demands: universal suffrage; reconstruction of the Second Chamber; freedom of person, of speech, of public meeting, of combination, of the Press, of conscience; compulsory and gratuitous education; fiscal reform; redistribution of landed property, and much else; but of all the demands the most fundamental was that Ministers should be responsible to the Duma, that the Legislature should control the Executive.

The formulation of such a programme recalls for Englishmen the days of the early Stuarts. The essential point at issue was identical. Where was sovereignty henceforward to reside in the Crown or in the King-in-Parliament?

Neither side would, or perhaps could, recede from the position it had taken up. Goremykin, who had replaced Count Witte as Prime Minister before the Duma met, was faced by a vote of censure, carried with only eleven dissentients. Would the Tsar give way and accept a Duma Ministry? For some two months acrimonious debates proceeded; but in July, Goremykin was dismissed, only,

however, to be succeeded by Stolýpin, a younger and stronger man, who was charged with the duty of dissolving the recalcitrant Duma. On 21 July it was dissolved by Proclamation, and the members were excluded by a body of troops from their accustomed place of meeting.

A second Duma was promptly summoned to meet in the ensuing March, and in the meantime Stolýpin made it clear that while inflexibly opposed to revolution, he was not merely willing but anxious to carry through far-reaching reforms. The condition of Russia was at this time critical in the extreme: reeling under the shock of her recent defeat; scandalized by successive revelations of the incompetence of generals, admirals, and officials, dissolved in anarchy on the one side by strikes and insurrections, on the other by savage reprisals,—such were the conditions under which the elections for the second Duma took place. Out of 470 seats the Cadets and their allies secured about 200, the Radicals and Socialists about 170; the Conservatives, 100.

Stolýpin met the new Chamber with a programme of comprehensive reform, but on two points, eagerly demanded by the majority, he was adamant. He would neither expropriate the landlords nor put the Executive under the heel of the Legislature. A deadlock ensued, and the Minister proposed to solve it by a sort of 'Pride's Purge'—by the exclusion of fifty of the extreme Socialists and the arrest of their leaders, but on 16 June the Tsar dissolved the Duma.

A new electoral law was at once promulgated; the franchise was varied and restricted, and a considerable redistribution of seats was effected. The result was much more favourable to the Government, and when in November the third Duma met, Stolýpin found himself at the head of a good working majority which settled down to carry through, quietly and steadily, a comprehensive programme of sorely needed administrative reforms.

Russia had now definitely embarked upon the transition from autocracy to Constitutionalism: she had obtained a

Representative Legislature but not a 'responsible' Executive. That is a critical stage in the evolution of any political society, and for Russia it was exceptionally critical. The people at large were almost wholly devoid of political education; the Government lacked insight and imagination, but the greatest danger arose from the fact that the intellectual leaders of the people were fanatical doctrinaires, men of theory divorced from experience. Of these doctrinaires Stolýpin, perhaps the most sagacious minister of the old régime, was frankly impatient. Though not a statesman of the first class he was a man of courage, a real patriot, not inaccessible to liberal ideas, and with ample experience of administration. On 18 September 1911, however, Stolýpin was assassinated in the presence of the Tsar and the Court at a gala performance at Kiev. His murder was a great shock to the Tsar, and a grievous blow to the hopes of the reformers as opposed to the revolutionaries.

The fourth Duma met in the autumn of 1912. It was definitely hostile to the Government and menacingly demanded further measures of reform. More threatening, however, than the attitude of the Duma was the temper of the urban workmen. As in England and in France, so also in Russia, the years immediately preceding the War were conspicuous for a series of strikes culminating in most dangerous strikes in St. Petersburg in the summer of 1914. As late as 24 July over 100,000 workmen were still out in St. Petersburg, but two days later, 26 July, work was resumed.

On 28 July Austria declared war on Serbia; on the 31st the Tsar ordered general mobilization, on 1 August Germany and Russia were at war.

Russia went into the War, to all appearance, as a united nation. There was a remarkable demonstration in the Duma on 9 August, and the whole country was swept by a wave of patriotic enthusiasm. Russia mobilized with unexpected rapidity; of the men summoned to the colours, 96 per cent. promptly responded to the call, and in the

first weeks of the War Russia, by a rapid thrust into East Prussia, caused great alarm at Berlin and rendered valuable service to the cause of the allies. On 28 August, however, General Hindenburg inflicted a crushing defeat upon the Russians on the historic field of Tannenberg. The Russian troops were ill equipped; they lacked guns and munitions, worst of all, their efforts in the field were paralysed, if not by actual treachery, by shameful mal-administration.

Russia was sorely disheartened by the failure of her allies to force the narrow Straits, and join hands with her in the Black Sea, by the ambiguous result of the great naval battle of Jutland, and not least by the death of Lord Kitchener when on his way to Russia (5 June 1916). Yet at the close of that year Russia, in the opinion of a reliable authority,¹ was in a stronger position than at any time since 1914.

Be that as it may, the internal position in Russia was very grave. In December the Grand Duke Dmitri, with two accomplices, assassinated Rasputin, the dissolute peasant-monk, who by his sorceries had acquired a fatal influence over the Tsarina. That the Tsarina was pro-German in sympathy is untrue, but she was a highly neurotic woman, whose devotion to husband and children was not equalled by her wisdom in affairs. The influence she exercised over the Tsar Nicholas, a ruler as well intentioned as Louis XVI, but not less weak and unfortunate, was consequently disastrous. Whether in the autumn of 1916 the Tsar did make any peace overtures to Austria is uncertain, but it is certain that the Grand Dukes and Generals were so dissatisfied with the nerveless conduct of the war that they had planned to supersede the Tsar and Tsarina.

They were forestalled by the outbreak of the Revolution.

The first phase of the Revolution was conducted under the control of the Duma, and was comparatively bloodless. But the driving force behind the Constitutionals was

¹ Winston Churchill, *World Crisis*, III 223, and Ludendorff, *General Staff*, I 305, confirms this view.

supplied by the workers and the soldiers of the Petrograd garrison. On 8 March a shortage of bread and fuel led to riots in the capital: the soldiers refused to fire on the mob. On the 12th the mob burst into the fortress-prison of St. Peter and Paul, released the prisoners, and invaded the Winter Palace. Led by a coalition of Constitutionalists, 'Cadets', and moderate Socialists, the Duma, ignoring a decree for its dissolution, attempted to control the situation and appointed a Committee with Executive authority. A Council ('Soviet') of soldiers and workers was also set up. The Tsar's attempt to reach his capital was frustrated by tearing up rails; his army deserted him and on 15 March he abdicated.

A Provisional Government was set up by the Duma under Prince George Lvov, President of the Union of *Zemstvos*, as Premier, with Professor Mihukov as Foreign Minister, and Kerensky (representing the Petrograd Soviet) as Minister of Justice.

This Government, closely corresponding to the Girondist phase of the French Revolution, thought to achieve two objects simultaneously: to effect a radical revolution at home, and to carry on the war with renewed vigour.

The Petrograd Soviet, holding the railway stations, the post offices, the banks, and other strategic points in the capital, had other views. They bade their comrades at the front to cease fire and fraternize with the enemy. The order was welcomed. Russian casualties had already reached nearly 4,000,000. The war-weary peasants had now but one thought: to get hold of the land they had tilled. With all speed they made for their homes. The generals at the front were without an army.

Meanwhile, Socialist exiles were returning from abroad: Lenin's return from Switzerland was facilitated by a safe conduct through Germany; Trotsky hurried back from the United States.

On 7 November the Petrograd Soviet seized the Government. The 'bourgeois' ministry was pushed aside and Lenin and Trotsky were installed in power.

Lenin (1870-1924), an ardent disciple of Karl Marx, had, during his ten years' exile, directed the extreme revolutionary party in Russia. He returned in April 1917 to direct it in Petrograd. He denounced 'democracy' as 'the humbug of the bourgeois', and resolved to establish the 'dictatorship of the Proletariat'. On attaining power his first business was to make peace with the Central Empires. A truce was concluded on 5 December, and the definitive Peace was signed at Brest-Litovsk on 3 March 1918. Lenin's next business was to suppress all counter-revolutionary movements at home. In a series of Civil Wars (1919-20) that end was, with Trotsky's help, brilliantly achieved.

The Bolshevik Party, though a fractional minority of the Russian people, were now unquestioned masters of the State. Two tasks remained. to frame a Constitution and to establish the Communist Society.

The first was relatively easy: the second immeasurably difficult.

The nucleus of the *Union of Soviet Socialist Republics* (U S S R) is supplied by the *Russian Soviet Federated Socialist Republic* (R S F S R) which was definitely constituted in 1918 and was subsequently joined by six other similarly constituted Republics.

The Union of Soviet Socialist Republics was not formally constituted until after the victory of the 'Red' army in the civil wars. By 1921, however, the Bolsheviks had reconquered all the old Russian provinces, except Poland and the Baltic provinces, whose independence had been recognized in 1920. A Treaty of Union between the seven Russian Republics was signed at Moscow on 30 December 1922, the Treaty was ratified in the following July and the U S S R came into being.

The Constitutional structure thus evolved resembles nothing so much as a Chinese puzzle. It is pyramidal in form, the base being supplied by the village, town, and factory Soviets which are the primary assemblies and to which alone the people directly elect. The apex of the pyramid is formed by the All-Union Congress of Soviets.

This consists of 1,500 members and meets biennially in each capital of the seven Republics in rotation. The session lasts only a week and the Congress resembles a Party Conference rather than a Parliament. It elects, and delegates its legislative powers to, a Central Executive Committee, and its executive powers to a Council of People's Commissions, appointed by the Central Executive Committee. Between the Village Soviet and the Union Congress there are four intermediate Soviets, each of which elects delegates to the Soviet immediately above it. The town and factory Soviets elect delegates directly to the Union Congress. But since 85 per cent. of the Russian people are peasants, their representation in the Congress is more than double-distilled.

The political structure is, therefore, distinguished by three main features: first, all elections (except to the primaries) are indirect; secondly, representation is based not on locality but on vocation, but the vocational units, unlike those of the Corporative State in Italy, consist wholly of 'workers'; and, lastly, there is no separation of powers: legislative, executive, and judicial powers are concentrated in one body. The guarantee for liberty so strongly emphasized by Montesquieu is thus deliberately ignored. 'Liberty' as understood in the West is, indeed, the characteristic most conspicuous by its absence in the Dictatorship of (or over) the Proletariat.

But the political structure supplies merely the façade of Government. The motive power of the machine is supplied by a body of which there is no mention in the Constitution—the Communist Party.

This, like the U S S R, is pyramidically organized. the primaries consist of 38,000 village, factory, and regimental cells; at the apex stands the General Secretary of the Communist Party. He is the ruler of Russia. The Party is a select one; even now (1935) it contains only 2,500,000 members; admission to it is difficult and eagerly sought, purges are drastic and frequent. Discipleship is at once a high honour, and a great material advantage.

MODERN DICTATORSHIPS

For in this classless Society the members of the Communist Party constitute a highly privileged class. The best of everything, food, housing, amusements, transport is served for them. And quite logically. For the basic principle of the Bolshevik Dictatorship is not political but economic.

Lenin was a fanatic. his gospel was the *Das Kapital* of Karl Marx. he made the Russian Revolution in order to build up a Marxist Society in Russia, and with Russia as his fulcrum to reconstruct the whole world on a Marxist basis. No interest, public or private, no institution, no individual, should be allowed to hinder the triumph of the new gospel. The closest of ties must, if necessary, be severed, friendships must be broken, religious creeds and usages abandoned, in order to present an acceptable sacrifice on the altar of Karl Marx.

The paradox, perhaps the tragedy, of the situation was that of all the countries in Europe, Russia was least suited for the trial of a Marxian experiment. Marxism is an urban philosophy conceived by a bookworm immured in a library. Russia is a land of great spaces; 85 per cent of her people are peasants, caring nothing for political or economic theory, but devoted to the soil they till.

The economic policy of the Bolshevik Government since 1917 passed through three main stages. Lenin's experiment was a cross between State Socialism and Syndicalism. He began by abolishing private property and the use of money, nationalized the banks, shipping, large-scale industries, but confided the control of the factories to workers' committees. The result was that the output fell 86 per cent and only 7 per cent. of the plant remained in working order. By 1920 industry was at a standstill, artisans were deserting the towns for the villages in search of the food with which the peasants refused to supply the towns. The creation of labour armies, and the adoption of conscription, both for male and female labour, did little to ease the situation. During 1920 strikes occurred in more than half the State factories, the fleet mutinied, millions of people perished from famine.

The peasants held the key of the situation and refused to part with it in obedience to the gospel of Marx. They did not themselves make the Revolution; it was made in Petrograd and Moscow; but they were the force behind it. They deserted from the front, not to support the Dictatorship, but to seize the land. They fought in the 'Red' armies against Wrangel and Denikin and Koltchak, not because they loved Lenin or appreciated Marx, but because the victory of the White armies, officered by aristocrats, would have imperilled the hold of the peasants on the land they had seized. Compelled to surrender all their produce in excess of the bare necessity of life in order to feed the urban workers, the peasants reduced their production to the level of personal subsistence. The expropriation of landlords was one thing, the confiscation of the fruits of peasant labour was another. In less than four years over 800,000 peasants and 13,000 landowners paid for disobedience with their lives. But coercion failed to produce food.

Lenin proved his greatness by facing the facts and effecting a strategic retreat. In 1921 he initiated his New Economic Policy (N.E.P.). The principle of private property and private enterprise (especially in small-scale industry) was virtually conceded; money was reintroduced as the medium of exchange; wages were paid in cash, and overtime and piecework sanctioned; State enterprises were required to keep and furnish accounts, and to compete in the open market with private concerns; concessions were granted to foreign capitalists; foreign experts and skilled artisans were welcomed; the peasants were permitted to produce for profit as well as for use.

The new policy was conspicuously successful, but in 1924 Lenin died. His death let loose passions his personality had restrained. his policy split his party.

Trotsky, Zinovieff, Kameneff, and other leaders of the Third Communist International insisted, logically enough, that world revolution was a necessary preliminary to the success of the Bolshevik experiment. The world, they believed, could not continue to exist 'half capitalist and

half communist' Above all, England, the citadel of Capitalist-Imperialism, must be captured for Communism Stalin who succeeded, not without a struggle, to Lenin's place, opposed them and won The fiasco of the General Strike (1926) in England convinced him that there was no immediate hope of world revolution

Accordingly, he fell back on the idea of Economic Nationalism Russia, with her abundance of natural resources, should, in a minimum of time, beat the champions of capitalism at their own game—mass production The 'Five-Year Plan' was accordingly launched in 1928. Mr Henry Ford displaced Karl Marx as the supreme object of Russian adoration Superhuman energy should be put into the execution of the plan The world should stand amazed at the gigantic scale of Russian industries—blast furnaces, hydro-electric power stations, oil wells, motor works—what not, the tractor should replace the great landlord, the peasants released from serfdom to the lords should become the bondsmen of the State, they should be herded into barracks, their land should be 'collectivized', they should be compelled to tend the great machines provided by a paternal government and with their aid should feed the towns More than that; they should produce a surplus of grain sufficient to purchase from abroad the machines and raw material essential to the fulfilment of the 'Plan'.

Hitherto the peasants had failed in that patriotic duty Peasant holdings had increased from 15,000,000 in 1917 to 25,000,000 in 1927, but this *morcellement* had involved a striking diminution in aggregate production. The exportable surplus had, in old days, come from the big estates Production now barely sufficed for home consumption In the winter of 1928-9 it did not suffice for that

But grain produced in abundance was vital to the success of the 'Five-Year Plan' If the peasant would not or could not produce it, the State must itself farm the land; the peasant, freed from serfdom must work on it as a slave.

It has almost come to that Only one-fifth of the land

is now farmed individually; three-fifths is 'collectivized', i.e. worked on a sort of co-operative scheme; one-fifth has become a State farm. The 'obstinacy' of the peasant, his ingenuity in devising methods of evasion, his stubborn resistance to 'improvements' has driven the Moscow Government from one expedient to another, to make concessions to-day, to apply coercion to-morrow; but all with little advantage to the 'Plan'. For to add to the difficulty, the bottom has fallen out of the wheat market, the gram, even if produced, cannot be sold at a profit

Yet the future of the Russian Dictatorship depends entirely on its ability to solve the agrarian problem Bolshevism is not a policy but a creed. If the young peasant can be converted to the Marxian creed, if he can be inspired by the new gospel to work for the State with an ardour equal to that excited by the hope of personal gain, the Russian experiment may yet win through. This is the one and indispensable condition of success. Only if the miracle of a complete change of heart, at present confined to a few million urban communists, can gradually be wrought among the vast millions of rural Russia will victory be assured to the Dictatorship of the Proletariat

XV. THE FASCIST DICTATORSHIP IN ITALY

The Corporative State

THE Italian Dictatorship is the product of several convergent causes. Of these the most direct was the World War and its reactions upon the political and social life of Italy. In this respect it resembled the Dictatorial régimes established in Russia, in Germany, in the New Turkey, and elsewhere. But Fascism has many features which distinguish it sharply from all other contemporary movements.

In face of the crisis of 1914 Italy was less united than any other of the Great Powers. For thirty years Italy had been a member of the Triple Alliance. But the diplomatic structure, so carefully erected in 1882 by Bismarck, had, though frequently buttressed by renewals, become weaker and weaker in recent years. The *Irredentist* sentiments of Italian nationalists could be satisfied only at the expense of Austria, and as far back as 1903 Prince von Bulow had been warned by the German ambassador in Rome that the *Irredentist* movement was rapidly gathering momentum. On the Austrian side, General Conrad von Hotzen-dorff, from the moment of his appointment (1906) as Chief of the Staff, insisted that war between Italy and the Habsburg Empire was inevitable, and that the right policy for Austria was to anticipate it. When in 1911 Italy attacked Turkey (a sleeping member of the Alliance) Austria might have been wise to follow Conrad's advice, but the Emperor Francis Joseph would not hear of war against his 'ally'. In 1913 Italy refused to join Austria in an attack on Serbia. Evidently the alliance was wearing very thin.

Nevertheless, there was in August 1914 a party in Italy in favour of intervention on the side of the Central Powers. That policy was strongly opposed (among others) by Benito Mussolini, who was at that time editor of the *Avanti*, the official organ of the Italian Socialists. In November he was expelled from that Party, and when, in March 1915, Italy

declared war on Austria Mussolini warmly espoused the cause of the Allies, and took service as a private in the *bersaglieri*. In February 1917 he was badly wounded, and being unfit for further service resumed the editorship of his *Il Popolo d'Italia*, and urged his countrymen to fight to a successful issue.

They needed all the encouragement any one could give. There was a strong *Defeatist* party at Rome. The upper classes were mostly pro-German; Pope Benedict XV appealed (August 1917) for the cessation of 'useless slaughter', and among the Socialists of the industrial towns there was a strong section of 'internationalists'. But the defeat at Caporetto (October 1917) roused the patriotic temper of the nation; the defence was stiffened by British and French reinforcements, and, in October 1918 the Austrians were not merely repelled, but chased out of Italy.

Yet the War left Italy terribly exhausted, and the terms she obtained at the Peace Conference bitterly disappointed nationalist expectations. It was not, indeed, easy for the allied statesmen to adjust in the Adriatic the conflicting interests of Italy and the new Yugoslavia. Yet despite the violent pro-Serbian sympathies of President Wilson, M. Clemenceau and Mr. Lloyd George obtained for Italy all that had been promised to her in that region by the Treaty of London (April 1915). She was to get the Trentino, the Southern Tyrol up to the Brenner Pass, Trieste, the Istrian peninsular (with Pola) up to the Quarnero, the Istrian Archipelago, the province of Dalmatia, most of the islands in the Adriatic, and to retain Valona and the Dodecanese. All this she got and Fiume in addition. But she was bitterly disappointed not to receive Smyrna, which M. Venizelos got for Greece—a fatal acquisition. Still greater was her chagrin at the failure of her Western allies to implement the promise of 'equitable compensation' in Africa, in the event of Germany's expulsion from that continent. That Italy's gains were substantial is undeniable; but equally certain is it that they fell short of the promises made to her, and of her own ardent expectations.

The disappointments of the Peace combined with the suffering and sacrifices of the War to prepare the ground for Fascism, and other things contributed to the same end. Most of the belligerent countries were threatened, after the War, with revolution. Italy did not escape the common fate. But Italy was peculiar in this: the hostility of large sections of the city populations was directed, with paradoxical impartiality, against the 'profiteers' who had grown fat on the War, and the soldiers who had endured its hardships. To wear war medals was, in some towns, to invite assault. Nor did Soviet propaganda spare Italy.

'Bolshevism', writes Signor Mussolini, 'was sowing its seeds here, strikes were becoming numerous, our money was worth little, and while the professed causes of agitation were economic, they were in fact political. the aim was to undermine the authority of the State with the idea of establishing Soviets.'

Italian Liberals ridicule this 'legend'. The danger threatened by Bolshevism was, they maintained, a myth. Had the Socialists, indeed, reached the apex of success in the autumn of 1920? They had occupied a number of factories and no fewer than 2,000 municipal administrations were in their hands. But that, so the Liberals contend, was the apex of the movement. Giolitti declined to sanction violent measures of repression: he preferred to let the fire burn itself out. According to his distinguished colleague, Count Carlo Sforza, his policy was successful. The strikes, which numbered 2,000 in 1920, numbered fewer than 1,000 in 1921. Italy, he maintains, had already saved herself before the advent of Fascism.¹ Such is the contention of the opponents of the Dictatorship. Nor is it easy to discern the truth. Danger lurks in the fallacy *post hoc, propter hoc*. Because the Fascist régime was established in 1922 we must be cautious in attributing to it all the improvement which unquestionably followed on its advent.

Apart, however, from these post-War phenomena which may or may not justify the curtailment of liberty and the

¹ *European Dictatorships*, pp. 48-53.

establishment of a Dictatorship, there remains to be noticed another reason, more remote but more profound, why in 1922 Italy acclaimed the advent of a Saviour of Society.

The view of political development, taken in the present work, is based upon the philosophy of Auguste Comte reproduced for English students in the great *torso* of Buckle. Of all the lessons enforced by that School perhaps the most important is that the conclusions of Political Science are not absolute but relative. Aristotle had taught the same truth many centuries before. There is no 'best form' of government. 'The true legislator and statesman ought to be acquainted, not only with that form of government which is best in the abstract but that which is best relatively to circumstances . . . nor are the same laws equally suited to all.'

There exists in history no better illustration of the eternal truth enunciated by Aristotle than that afforded by the history of United Italy. Unity was finally achieved only in 1871. But Cavour, who, more than any other man, was responsible for its creation, was responsible also for imposing on it a form of government alien to its traditions, and painfully unsuited to its circumstances. Himself an ardent admirer of England, and attributing her success largely to her Parliamentary Constitution, he did his utmost to establish the foundations of Parliamentary Democracy in Italy.

Whether even Cavour could have succeeded in adapting that system to the circumstances of United Italy is doubtful. Certain it is that no one else could. Between the death of Cavour (1861) and the advent of Signor Mussolini, Italy produced no statesman of the first rank, with the possible exception of Francesco Crispi; and Crispi, a Sicilian by birth and a republican by tradition, was bitterly opposed to Cavour and all his ways. He became, indeed, a staunch supporter of the dynasty, and did his best to work the 'Constitutional Monarchy' bequeathed by Cavour to Italy, but neither he nor any one else could fit Italy into the parliamentary mould.

Other circumstances contributed to the failure of the experiment. Unity was prematurely achieved in 1871, and was palpably superficial. A period of Federalism, under the House of Savoy, might perhaps have avoided some of the difficulties which confronted the unified State. Italy had been for long centuries a 'land of cities'. Such democracy as it had known had been the direct democracy of the City-State. Those States had known Dictators also, but the idea of representative democracy was entirely alien to the Italian temper and tradition.

Moreover, under the parliamentary régime, Italy was crushed under a load of taxation. It is commonly assumed that amalgamations and concentrations, whether in industry or government, necessarily make for economy. It is a complete delusion. They may tend to efficiency but rarely to economy, bad government is often more popular than good because it is cheaper. The government of Italy, after 1871, was both expensive and inefficient. In particular it was flagrantly corrupt. In the absence of party organization and party discipline, 'responsible' government almost inevitably tends to corruption. a parliamentary Executive must somehow be sustained, if not by 'whips', then by the scorpion of jobbery: every man has his price; it must be paid in jobs or cash. So United Italy discovered to its cost, and the system perfected in Rome extended to every Province and Commune in Italy: 'The Italian Parliament does not work. Two hundred and fifty corrupt deputies, worthy of their leader Giolitti, are sitting on the neck of Italy . . . The ideas by which they govern are fit only for the lumber room of the last century'. Such was Mussolini's opinion expressed as far back as 1910.

Nor was inefficiency and corruption at home redeemed by prestige and success abroad. Italy overtaxed her adolescent strength in both directions simultaneously. Exasperated by the French occupation of Tunis (1881), she was inadequately consoled by admission to the Triple Alliance, particularly since (as already explained) that

¹ Cf. King and Okey *Italy To-day*, c. 1.

partnership involved the renunciation—for the time—of *Irredentist* ambitions. Frustrated in her desire for expansion in the Adriatic and northern Africa, Italy sought to emulate the older Powers by Colonial adventures. Consistent, not to say disastrous, failure attended all her efforts.

Disasters abroad accentuated discontent and disorder at home. The two decades preceding the War were marked by continuous unrest in industry and agriculture, and by frequent outbreaks of social disorder. The assassination of King Humbert (1900) gave pause to all parties except the anarchists, but naturally did nothing to eradicate the causes of the prevailing discontents. Nature herself contributed to the tribulations of Italy. An eruption of Mount Etna in 1906, followed in 1908 by a terrible earthquake in Sicily, caused a loss of life and damage to property comparable with the effects of war. An attempt was made on the life of King Victor Emmanuel (1912). Happily unsuccessful, it served to demonstrate the widespread popularity of the House of Savoy. But it also proved the existence if not the power of Anarchy.¹

Thus was the soil prepared for revolution. The War sowed the seed. Who would come to reap the harvest? With sickle in hand came Signor Mussolini.

Born in 1883, the son of a blacksmith, Benito Mussolini adopted his mother's profession—that of a school teacher. But teaching irked him; he went off to learn at Lausanne and Geneva, maintaining himself the while by manual labour. From Switzerland he was expelled for extreme Socialistic propaganda. For a similar reason he got into trouble in Italy, and after a short term of imprisonment betook himself to the Trentino and plunged into journalism. Expelled from Austria he returned to Italy. His sojourn in the Tyrol had made him an *Irredentist*. But though still a Socialist, he was disillusioned by the conduct of some of his comrades in the Communist rising in the Romagna.

¹ These paragraphs merely summarize the argument set forth in Marriott, *Makers of Modern Italy* (revised ed 1931), c xi. To that work the reader is respectfully referred for further detail.

(June 1914), and their pacifist propaganda in the War completed his conversion.

The War was, to Mussolini, a veritable 'Mount of Transfiguration'. The *Fascio*¹ had already become a designation for all those who, during the War, bound themselves together to live or die 'for the good of Italy'. But it was primarily to combat Bolshevism that in March 1919 Mussolini organized, at Milan, the *Fasci di Combattimento*. At the General Election of that year the Fascists ran a number of candidates, but they were opposed with equal vehemence by Conservatives, Liberals, and Socialists, and not one was returned. Mussolini himself, contemptuously described by *L'Avanti* as 'a corpse awaiting burial in a ditch', was heavily defeated at Milan. In 1920 the Fascists were organized in *Squadre*, and during the next two years, when Bolshevism was at its height in Italy, there were perpetual encounters between it and the Fascists. No fewer than 2,000 Fascists were killed, many of them in treacherous ways, and not a few of them after being subjected to brutal torture.

At the Election of 1921 Mussolini, with thirty-seven other Fascists, was returned to Parliament, and Fascism was definitely organized as a political, and (for the time being) a parliamentary party, pledged to sweep away the 'old gang' of corrupt and incompetent politicians. About the same time the Fascist programme was definitely formulated. It repudiated the Liberal, Socialist, and Democratic theories of the State, but proclaimed that while the functions of the State must be strictly limited, its prestige as representing the nation must be at all costs restored; the individual was to exist for society, not society for the individual, though individual enterprise, far from being crushed, was to be encouraged. Parliament was to survive only as the organ for dealing with questions concerning the individual in his political capacity; all economic and industrial questions were to be remitted to the control of technical or vocational councils, production was to be in every

¹ *Fascio* = bundle or bunch

way stimulated and to be left, like distribution, to individual initiative. The Trade Unions were to be protected so far as they were a help to production, but not to be permitted to impose restrictions on production or labour. Organizations, both of workmen and employers, were, on similar terms, to be legally recognized and invested with responsibility. No strikes were to be permitted in public services, and all class conflicts were to be submitted to the arbitrament of the State. Private property was to be recognized, and the State was to hand back to private enterprise all such undertakings as it had proved itself incapable of managing successfully. The finances were to be restored, and the duty of economy to be emphasized. The Press was, temporarily at any rate, to be placed under strict censorship, criticism was to be permitted only if constructive, opposition was not to be allowed any opportunity of manifesting itself. The Army and Navy were to be maintained in a state of the highest efficiency: 'Always', said Mussolini, 'it is the musket that wins; I want to make of you a nation of warriors.' Education, though always on the Aristotelian principle of conformity to the ideal of the State, was to be promoted; and an increase in population was to be encouraged. Without a larger population Italy, thought Mussolini, could never assert her rightful place in the economy of Europe and the world. 'As regards foreign and colonial affairs, Italy must reaffirm her right to complete historic and geographic unity and fulfil her mission as the bulwark of Latin civilization in the Mediterranean.' Italy must claim her place also in the colonial field; her Dependencies must be peopled by Italians.

The General Strike proclaimed on 1 August 1922 gave Fascism its chance. Mussolini seized it. With Labour he was genuinely sympathetic, he approved and encouraged the organization of labour; work was the basis of the State; only those engaged in productive work were entitled to the rights of citizenship; but a strike, like a lockout, was a crime against the State. There had been nearly 1,000 strikes in the year 1921, more than 8,000,000 working days lost

by them, and in 1922 the unrest culminated in a General Strike. On its proclamation the Fascist Directorate ordered a general mobilization, took over in Milan all the essential services, and in other towns superseded the whole municipal administration. In twenty-four hours the strike was called off, and by 4 August order was completely restored.

The Fascists had broken the General Strike and had saved the State. Many prejudices were thus dispelled and when, in September, Mussolini proclaimed himself a supporter of the Monarchy, recruits from all parties and in great numbers enlisted under his banner. In October 1922 the Fascists, 40,000 strong, met in Congress at Naples, and declared that unless the government was entrusted to them they would march on Rome. Signor Facta, then Prime Minister, drafted a decree proclaiming martial law. The King refused to sign it. On 28 October the Fascists made their peaceful entry into Rome. On the 29th the King, on the advice of Signor Salandra, sent for Mussolini, then at Milan. On the 30th the Duce submitted a list of his Cabinet, drawn from all three parties, to the King. Since that day he has been the ruler of Italy.

Mussolini's first act was to proclaim his loyalty to the Crown, 'simbolo della Patria, simbolo della perpetuità della Patria'.

'I believe', he said, 'I am interpreting the thoughts of the majority of the Chamber, or at all events of the nation when I turn in homage to the King, who refused to adopt useless and reactionary measures, who prevented the outbreak of a civil war, and who allowed the mighty tide of Fascism to flow into the dry veins of a Parliamentary State.'

In November the new Prime Minister asked for and obtained from Parliament dictatorial powers to enable him to carry through a number of urgent reforms. After all a Dictatorship was no novelty in Rome. The Republican Constitution of ancient Rome specifically provided for the temporary appointment of such an official, the greatest of all Romans was invested with the Dictatorship

for life. Addressing the Senate on 16 November 1922 Mussolini said:

'I do not intend to go beyond the laws; I do not intend to go beyond the Constitution, . . . but I do intend that the discipline of the nation shall no longer be a mere phrase, I do intend that the laws shall no longer be a blunted weapon, I do intend that liberty shall not degenerate into licence.'

On the success of the experiment thus initiated the historian of the future must pronounce: for a final judgement the time has not yet come. Yet there are some things which even a contemporary can with confidence affirm. None can deny that Signor Mussolini has shown himself to be a political genius of the highest order, incomparably the greatest statesman produced by Italy since the attainment of unity. In addition to great constructive ability he is endowed with the magnetic power, the histrionic skill, the capacity for stagecraft, which are almost essential to leadership in the modern State. Appealing especially to youth he has infused the great mass of the Italian people with a spirit of hopefulness and enthusiasm, with a pride in their country's past, and a faith in its future such as Italy has never known since the fall of the Roman Empire.

Nor is his power exerted only over his own countrymen. Never since Italy became a nation has she occupied so important a place in the European policy as she occupies to-day. The Pact of Rome, concluded between France and Italy in January 1935, testifies both to the diplomatic skill of Mussolini and to the great position attained by his country.

The same skill must have been displayed in his negotiations with the Papacy. Ever since 'Italy entered Rome', ever since the Pope, refusing all compromise, posed to the world as 'the prisoner of the Vatican', the relations between the Italian Kingdom and the Papacy have been nothing less than an open sore poisoning the life of Italy, and presenting to her statesmen a problem apparently insoluble.

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It is not easy for an Englishman and a Protestant to realize the acute distress, suffered for sixty years, by those Italians who desired to be at once patriotic citizens and good Catholics. From that conflict of loyalties they have been delivered by the conclusion of the Lateran Treaty and the Concordat of 1929. Francesco Crispi once said: 'The only Italian statesman who can hope to win immortality will be the man who shall succeed in concluding an agreement between Italy and the Papacy.' Mussolini has concluded it. 'Perhaps to solve the question it was necessary to have a Pope who was an alpine climber accustomed to face the most arduous ascents . . . and one who was also familiar with historical and documentary researches', and on the other side 'as a gift of Providence a man free from the prejudices of the politicians of the Liberal School . . .' So with shrewdness and humour said Pope Pius XI. The concurrence of such a Pope and such a statesman was of the happiest omen for Italy.¹ The Papal States before 1860 comprised twenty Provinces with 3,000,000 subjects and an area of 16,000 square miles. The Temporal jurisdiction of the Pope since 1929 has extended only over 108 acres, his subjects number 528. It is safe, however, to affirm that the extension of his spiritual kingdom has been more than proportionate to the contraction of his Temporal power.

The solution of the problem of Church and State, should it prove permanent, will probably count as the greatest single achievement of Mussolini's Dictatorship. But it does not stand alone. Even the stranger and the sojourner can perceive how completely Italy has, in a material sense, been transformed in the last ten years. It is easy for Italian intellectuals to belittle this transformation as a flaring advertisement characteristic of a political bagman. Italians, no doubt, have had to pay heavily for the 'improvements' obtruded on the notice of every visitor to Italy. Where chaos formerly reigned there is to-day order.

¹ Details in regard to the important agreements may be found in Marriott, *Makers of Modern Italy*, c. xv.

and discipline; decency has replaced squalor; cleanliness and good sanitation prevail where previously there was filth and disease; water supplied to great cities to-day is a model of purity; the Pontine marshes have been drained, and a new city has arisen on a site which for centuries had been the home of mosquitoes and malaria; means of transport, by rail and road, have been improved out of recognition; new buildings of imposing design adorn the cities; new domestic dwellings attest by their profusion the higher standard of comfort enjoyed by the lower and middle classes—the catalogue might be almost indefinitely extended. But all these advantages have been secured—so the critics maintain—at the price of that which is more precious than rubies—personal and political liberty. That ‘liberty’, in the senses attached to that word in our own and other ‘free’ countries, has been seriously curtailed is undeniable. Parliamentary Government exists no longer. Democracy has given place to Autocracy. Freedom of speech, of writing, of assembly is not permitted. To Englishmen these things are as the breath of life: to be deprived of them would mean a sentence of death. Not a few Italian Liberals, though but recently endowed with these blessings, feel the loss of them acutely. For asserting them many are in exile or suffering imprisonment. Every Dictatorship rests upon force, and force has, in Italy, been relentlessly applied. Yet as compared with Russia, Germany, or Turkey, Italy has been singularly free from the shedding of blood since Mussolini came into power. The outcry raised by the brutal murder of Matteotti is proof of this. Not, however, free from stern repression. But the questions which history will have to answer are these: Will repression, having served its disciplinary purpose, prepare the way for the enjoyment of a larger liberty? Will the Italian Dictatorship, like that of the English Tudors, prove itself politically educative? Has Benito Mussolini been a *παιδαγωγός* fitting men for the self-government which may, for a while, be legitimately and usefully withheld from them? In a word is the Dictatorship tending to edification?

About one constructive achievement there can be no dispute. In the *Corporative State* the Italian Dictatorship has given birth to an experiment of outstanding significance. The Corporative State involves not merely a complete reorganization in the structure of industry, of the relations between producers and distributors—capitalists, brain workers, and manual workers—and consumers, but also a radical readjustment of the relations between the State on the one side and, on the other, industry, agriculture, commerce, trade, and all the multifarious activities ancillary thereto.

Of many significant characteristics of the new order not the least hopeful and suggestive is that it is being built up empirically, not like the Dictatorship of the Proletariat, in deference to a philosophical theory. 'Fascism as an idea', said a disciple, 'is undefinable. It is a fact which is taking place.' True of Fascism that is true also of its most notable experiment, the Corporative State. The latter may, perhaps, be described as a compound of Nationalism and Syndicalism. It owes something—the conception of the supremacy of the State—to Hegel and Nietzsche, it owes more to Georges Sorel and the French Syndicalists. Ultimately it rests on an idea which is behind much of the Conservative philosophy of Edmund Burke. Burke was never tired of insisting on the organic nature of the State. It is, he held, no mere contractual society, but a living entity, subsisting in unbroken continuity, independent of the fleeting generations of man. Fascist teaching is not dissimilar.

'The nation is not merely the sum total of living individuals, nor the instrument of parties for their own ends, but an organism comprising the unlimited series of generations . . . it is the synthesis of all the material and non-material values of the race.'

But though Fascism has its roots in philosophy, they are remote. Its immediate philosophy is the philosophy of work: all citizens must in their several capacities serve

the State. Not that the State demands the surrender of individuality. Quite otherwise. It relies upon individual activity and enterprise, but insists that these qualities, and all others, must be dedicated to the service of the community represented by the State.

The Corporative State, then, is based ultimately on these principles. Immediately it rests upon the *Pact of Palazzo Vidoni* concluded on 25 October 1925 and the *Charter of Labour* promulgated on 21 April 1927. By the *Pact*, organized Labour and the Confederation of Employers mutually agreed, or were constrained, to recognize the exclusive right of their respective organizations to represent them. The *Charter of Labour* defines the relations between employers and employed and between both and the State. All productive work is organized in a series of seven National Confederations. Of these there are six pairs of Confederations: each consisting of syndicates or guilds, each pair representing the employed and the employers respectively in agriculture, industry, commerce, land transport, sea and air transport, and finance. The seventh Corporation consists of professional men—brain workers. The State recognizes only one syndicate for each territorial unit, and that only if the (workers') syndicate contains at least 10 per cent. of the workers in that category, and if the members of the employer's syndicate employ 10 per cent. of the workers in that occupation, and agree to fulfil certain conditions. The two syndicates, though co-ordinate, are exclusive: no syndicates combining employers and employed are permitted. Yet the essence of the guild idea is that the interests of the two classes are common, not opposed. Strikes and lock-outs are consequently illegal. If the parties to a dispute cannot agree they must accept the award of the State delivered in special Labour Courts. To the workmen is guaranteed a living wage, reasonable hours, holidays on full pay, compensation proportionate to length of service, and other benefits; but management remains exclusively in the hands of the employer. The Charter declares that the employee,

whether labourer, clerk, or skilled worker is an active partner in the enterprise and is therefore entitled to share in any increased profits, from whatever source they arise, earned by the enterprise. The consumer also is regarded as a partner entitled to consideration.

Nevertheless, though the State is supreme, and though work of all grades is a social duty owed by the citizen to the State, private initiative is jealously retained as the most effective instrument for furthering the interests of the community, for achieving the well-being of the State. Already nearly 75 per cent. of all the employers and employees in Italy have enrolled in their respective syndicates. The apex of the Corporative pyramid is formed by the National Council of Corporations. To this Council, meeting under the presidency of the Prime Minister or the Minister of Corporations, each National Corporation sends delegates. Thus the Corporative system attempts to combine all the best elements of State Socialism, Syndicalism, and Individualism. Whether it can succeed in this laudable aim time alone can show.

Thus, however, may be said though no other country, except Austria, has reorganized the whole machinery of the State on the Corporative plan, yet the example of Italy has given an unmistakable impulse to the economic policy of many countries (not excluding our own) which would recoil from the idea of a Fascist or any other Dictatorship.

Nor is this illogical. In Italy the Fascist Dictatorship and the Corporative State are, indeed, interlocked and interdependent. During the lifetime of the Duce they are likely so to remain. Yet the ideas are separable: the central idea of the Corporative State, on its economic side, is surely not incompatible with any form of government, Monarchical, Presidential, or Parliamentary. Engrafted on to a Parliamentary Democracy it would doubtless necessitate the delegation of certain functions at present performed by the Sovereign Parliament to a subordinate Economic Parliament—but this is a development which on its own merits commends itself to many reformers in this country.

These matters are on the knees of the gods. But whatever the future may have in store, none can deny that the Mussolini Dictatorship has already transformed the social and economic life of Italy, and has given to the world the model of a State which, despite all the frailties and shortcomings it has in practice revealed, embodies a conception well calculated to assuage bitterness of the class-war, and to promote the ideal, hitherto painfully elusive, of industrial peace.

XVI THE PROBLEM OF GERMANY

The Third Reich

OF all the problems that confront the contemporary historian the problem presented by Germany is the most difficult. That Moscow should supplant St Petersburg, that the tyranny of the Tsars should give place to the tyranny of the Proletariat need excite no surprise. The establishment of the Dictatorship in Italy was explained in the preceding chapter. The military Dictatorship of a Primo de Rivera needs little explanation to those who have followed the course of Spanish history since Napoleon contemptuously pushed the Bourbons aside. That the Ottoman Turks should have established a Republic is indeed amazing, but that a Mustapha Kemal should rule at Angora with a power as absolute as that of the Sultans at Constantinople is more interesting than wonderful. Were a new Napoleon to effect a *coup d'état* in France the Anglo-Saxon would merely murmur, 'It's only pretty Fanny's way'

The English have a scornful insular way
Of calling the French light.

'The levity may', as Mrs Browning insists, 'be in the judgement only.'

But Germany! That a people remarkable, even among Teutons, for sobriety and stolidity, should have been captured by the magnetic personality of a *petit caporal*, should have yielded to the allurements of a rhetorician, even though his rhetoric be inspired by profound psychological insight is, indeed, a phenomenon that demands analysis and, if it may be, explanation.

The present régime in Germany is announced as *The Third Reich*. Its advent cannot be explained except by reference to the two Reichs which preceded it.

The earlier of the two lasted for one thousand years from the crowning of Charles the Great (A D 800), until

the announcement of the new Charlemagne that he no longer recognized the existence of the Holy Roman Empire. Thus that hoary anachronism which had, indeed (in Voltaire's sardonic phrase), long since ceased to be either Holy or Roman or an Empire, vanished into thin air at the bidding of a Corsican adventurer. Yet for many centuries the Empire had exercised a profound influence upon the political evolution of Germany. Not until the year 1871, not perhaps until 1933, did Germany reach the point of political development attained by England in the thirteenth century, by France at the end of the fifteenth, by Spain early in the sixteenth. Many causes militated against the earlier achievement of national unity. Geography was the first and not the least impediment. No other great European nation is so devoid of natural frontiers as Germany. Widely stretching, loosely compacted, externally defenceless, and internally disjected, Germany did not naturally lend itself, as did England and France, to the formation of a strong, centralized administration. A glance at the map would suggest to any trained observer that the centrifugal forces, generated by geography, would be overcome if at all only by a sustained, patient, and persistent policy on the part of the Crown.

But the German kingship was wellnigh powerless. Instead of gaining strength, as the kings of France and England did in the long struggle against the disruptive tendencies of feudalism, the German kings gradually lost power until they became little more than Presidents of a Federation of Sovereign Princes, lay and ecclesiastical. For this development many reasons may be advanced, but most of them can be traced back to the connexion between the German Kingship and the Holy Roman Empire. When Pope Leo III placed the Imperial Crown upon the brows of Charles the Great, King of the Franks; still more when in 962 Pope John XII similarly anointed the German king, Otto the Great, the doom of Germany was unconsciously sealed for a thousand years. The connexion between two offices, in origin and theory quite distinct—the

German kingship and the Roman Empire—proved fatal to the development of the German State. And that in several ways. The Imperial Crown carried with it not only the Crown of Germany but that of Italy. The German king was, accordingly, tempted to assert his authority beyond the Alps. Thus it came that while, in other countries, the kings were consolidating their power, the German kings dissipated their strength in fruitless struggles on the Lombard plain, or in the swamps of Southern Italy. 'So long', as Bishop Stubbs forcibly expressed it, 'as the dead carcase of Italy was attached to the living body of Germany there could be no healthy action for Germany.' Incidentally it may be remarked that the connexion was not less harmful to Italy than to Germany, that the 'dead carcase' was not reanimated until the expulsion of the Austrians from Italy in 1866.

The Imperial connexion weakened the power of the German kings in another way. Elsewhere the Monarchy tended to become hereditary, in Germany it remained elective. Each election gave recurring opportunities, not only for the interference of the Popes (by whom the election had to be confirmed), but still more to the German princes, lay and ecclesiastical, by whom the election was made. According to the original theory of the Empire the election was actually made by the Chiefs (*Principes*), but confirmed by the assent of the whole body of freemen. Gradually the suffrage was limited to a small electoral college, ultimately defined by the *Golden Bull* of 1356. Under that *Instrument* the franchise was confirmed to the prince archbishops of Mainz, Trier (Treves), and Koln, the King of Bohemia, the Duke of Saxony, the Count Palatine of the Rhine, and the Margrave of Brandenburg. To these seven electors two more were added later: the Duke of Bavaria in the seventeenth, and the Duke of Hanover in the eighteenth, century. The electors naturally made each election an opportunity for imposing conditions on their overlord, and extorting concessions for his vassals. Not infrequently, and for obvious reasons, they deliberately

preferred the weaker candidate. Such a one they imagined they had found when after many years of anarchy and confusion they elected to the Imperial Throne a relatively insignificant Suabian Count, Rudolph of Habsburg.

The electors soon discovered their mistake. Rudolph's election in 1273 marked the beginning of a new and important phase of German history—the connexion between the Empire, the German Kingship, and the House of Habsburg.

The Habsburgs were an acquisitive family. Bit by bit their great though heterogeneous Empire was built up: the Duchies of Austria and Styria (13th century), Carinthia, Carniola, Tyrol, and parts of Istria and Trieste (14th), the kingdoms of Hungary and Bohemia (15th–16th), to say nothing of appanages in Italy. The Empire itself remained, with rare and brief intervals, in the Habsburg House until its dissolution in 1806. But their power was derived not from a title, decreasingly related to realities, but from their hereditary dominions.

Those dominions reached their greatest extent under the Emperor Charles V (1519–56), who was not only Duke of Austria and its dependencies but King of Spain, and Lord of the Netherlands, of Naples, Milan, Sicily, and Sardinia and most of the vast spaces of South America. The extent of his Empire was a real disaster for Germany. It meant for Germany an ecclesiastical schism that has never been healed. The Reformation crisis found on the German throne a man who was more Spaniard than German and more Burgundian than either. The result was a series of religious wars, which lasted, with intervals, from the death of Martin Luther (1546) to the end of the Thirty Years War. That war represented, in one aspect, a final contest between the ideas of the Protestant Reformation and the Catholic Counter-Reformation. More than that, it was the climax of an age-long conflict between the principles of imperialism and territorialism, centralization and particularism, further complicated by the intrusion of Danes and Swedes, and finally of Frenchmen and Spaniards fighting out their quarrel on the saturated soil of Germany.

The Treaties of Westphalia, whereby the war was ended, (1648) registered the disintegration, ecclesiastical and political, of Germany. Henceforth the Emperor was no more than the President of a loose Confederation. The real rulers of Germany—more than three hundred in number—were the territorial Princes.

Among these, one rapidly rose to pre-eminence. The Hohenzollerns, like the Habsburgs, came from the Suabian Alps. In 1415 one Frederick of Hohenzollern was invested by the Emperor Sigismund with the Margravate and Electorate of Brandenburg, and in that barren Mark, the family established itself. Prussia had been conquered and colonized by the Teutonic knights in the thirteenth century, but in 1410 the knights, rapidly degenerating under the influence of prosperity, suffered a crushing defeat at the hands of the Poles at Tannenberg. The Poles annexed West Prussia to their kingdom, but allowed the knights to retain East Prussia as vassals of Poland. The Order was dissolved in 1525 and its last High Master, one Albert of Hohenzollern, became first Hereditary Duke of East Prussia. In 1618 the male line of the East Prussian Dukes became extinct, and by a compact made in 1568 the Duchy passed to the Hohenzollern Elector of Brandenburg. The nucleus of Rhenish Prussia was already (1614) in process of formation by the falling in to the Hohenzollerns of Cleves, Mark, and Ravensberg, and by the Treaty of Westphalia they also acquired Western Pomerania and the secularized bishoprics of Halberstadt, Cammin, Minden, and the greater part of Magdeburg.

Steadily these shrewd Hohenzollerns advanced along the path of political ambition. Nature did nothing for them. Scattered, infertile, ill-situated, their dominions gave no promise of importance. Prussia was made by its kings. They created a great army and organized the most efficient bureaucracy in Europe. By the first year of the eighteenth century Frederick Elector of Brandenburg had become the first King of Prussia. His son was the 'Drill Sergeant' unfairly satirized by Carlyle. From the 'Drill Sergeant'

Frederick the Great inherited an army of 83,000 men, superbly disciplined and drilled, an administrative system perfectly organized, and a full treasury.

Frederick the Great used that inheritance to the full. Under him Prussia for the first time stood forth, not merely as the rival of Austria in Germany, but as one of the Great Powers of Europe. From Austria he snatched the Duchy of Silesia, truly described as 'the high road to Vienna and the back door into Bohemia'. West Prussia was his share of the first Partition of Poland (1772), and filled in an ugly gap in his dominions. Later partitions (1793 and 1795) not only gave Prussia temporary possession of great territories to the south and east, but the two dominating strategic points upon the Vistula, the great fortresses of Danzig and Thorn, which she retained.

Frederick died in 1786. From 1792 to 1815 Germany was involved in the maelstrom of the European Wars. From those wars, however, there emerged a new Germany. Western Germany was in no condition to withstand the inrush of revolutionary doctrines. New and heady wine was poured out from Paris into German bottles that were already bursting. The Rhineland cities opened their gates to French armies; their citizens eagerly assimilated French philosophy. Napoleon remade Germany. He dissolved the old Empire (1806), made himself President of the Rhenish Confederation, reduced the Sovereign Principalities from over 300 to fewer than forty, carved out a kingdom (Westphalia) for his brother Jerome, crushed Austria and Prussia in turn, reconstituted Poland for his ally the Duke of Saxony, and raised other allies (Bavaria and Wurtemberg) to the rank of kingdoms. But his work was not all destructive. He cut Prussia to pieces and heaped humiliations upon her. From the valley of tribulation there emerged, however, a new Prussia which, thanks to Stein and Hardenberg, to Fichte, von Humboldt, and Gneisenau, led Germany to victory in the War of Liberation (1813-14). Before that war ended Austria had reasserted her ascendancy, and at the Congress

of Vienna the fate of Germany—and of Europe—was decided

The Settlement of 1815 was immensely important alike for Germany as a whole and its leading Powers Prussia, disappointed of Poland, found more than compensation in the northern half of Saxony, of Lower Pomerania, and—more important still—of a great province on both banks of the Rhine, including Cologne, Trèves, Aix-la-Chapelle, Coblenz, Bonn, and Westphalia Austria also got great compensations Gladly surrendering Belgium, she acquired Venetia, which with Trieste and the Venetian Dependencies on the east coast of the Adriatic she added to Lombardy. She thus became dominant in North Italy and mistress of the Adriatic

The secondary States, like Bavaria, retained their acquisitions and the status conferred on them by Napoleon, and with Austria and Prussia and the rest of the thirty-nine States were united in a loose Confederation under the hereditary presidency of Austria

Two movements characterized the period between 1815 and 1848. The Federal Act of 1815 provided for the adoption of a Parliamentary Constitution in every State, and in several of the secondary States, notably in Baden, there was a strong Liberal party in favour of Constitutional reform on English lines In Germany as a whole, despite the repressive policy of Metternich, then dominating the Confederation, there was a sentiment, if not yet a movement, in favour of unity. But the only practical step in that direction was the formation of the famous *Zollverein* which, between 1818 and 1841, united all the German States except Austria in a Customs Union under the presidency of Prussia Internal Free Trade was combined with external Protection, traffic and postal communications were improved, and an immense impulse was thus given to German trade And not to trade only Commercial union was an important step towards political unity From that union Austria alone was excluded the rest of Germany began to look to the leadership of Prussia

The position of Austria, the German element in a heterogeneous Empire, was in those days the great stumbling-block for German unionists. It was largely responsible for the failure of the most promising movement in the history of modern Germany. Had the scheme devised at Frankfort come to fruition there might have been no Bismarck, no Seven Weeks War between Prussia and Austria, no Franco-German War, no Prussian predominance, no World War, no Nazi revolution.

If this be deemed an overstatement it will at least indicate the importance which any retrospect must attach to the Frankfort Parliament.

In 1848 a revolutionary wave swept over a great part of continental Europe. As a result 'responsible' government was conceded by the rulers of Baden, Bavaria, Saxony, and Wurtemberg, and in most of the smaller States. The King of Prussia also accepted a representative Parliament, but not a 'responsible' Executive. But the German movement went beyond Constitutions for the separate States. In May 1848 there met at Frankfort a Constituent Assembly, consisting of 576 representatives, elected on the basis of universal suffrage from every State in the Germanic Confederation.

Though greatly hampered by the bitter opposition between the 'Great Germans', who wished to include the whole of the Habsburg Empire, and the 'Little Germans', who wished to exclude all its non-German provinces, the Assembly eventually drafted a Constitution. Germany was to be a Federal State under an hereditary Emperor with a representative Parliament of two Houses and an Executive responsible thereto. The Imperial Crown was offered to Frederick William IV of Prussia, but by that half-crazy mystic was declined with contumely. He refused to be 'the serf of the revolution', or to merge Prussia in Germany.

His refusal was a profound disappointment to German Liberals, and alike for Germany and for Europe was nothing less than a disaster. Not until 1919, after four

wars, was the Frankfort scheme resuscitated by the Constituent Assembly at Weimar.

In the interval much had happened. Bismarck, despising parliaments and parchments, made Germany 'by blood and iron'. Instead of merging Prussia in Germany, he merged Germany in Prussia. To achieve his end he fought Denmark in 1864 and annexed the Duchies of Schleswig and Holstein, he fought Austria and the Germanic Confederation in 1866, thrust Austria out of Germany, dissolved the Confederation, annexed to Prussia, Hanover, Hesse-Cassel, Nassau, and Frankfort-on-the-Main, and established a North German Confederation, embracing all the States, twenty-two in all, north of the Main, under the hereditary presidency of his King. Finally, deferring to the 'logic of history', he fought France (1870-1), annexed, in unwilling deference to the generals, Alsace-Lorraine, and established the *Second Reich*. The North German Confederation was enlarged by the inclusion of all the German States, except Austria, into a Federal Empire. The Imperial Crown was not strictly hereditary, but being, under the Constitution, inseparably associated with the Kingly Crown of Prussia, it was virtually secured in perpetuity to the Hohenzollerns. The *Reich* was to have its Parliament—a *Reichstag* elected on a democratic suffrage, and a *Bundestag*, consisting of representatives, or rather delegates, of the ruling Princes, but dominated by Prussia.¹ The Executive was vested in the Emperor. The only *Reich* Minister was the Chancellor, responsible not to the Legislature, but solely to the Emperor.

During the remainder of his ministerial life (1871-90), Bismarck's sole object was to make secure the structure he had built. By vigilant diplomacy abroad, and by social reform at home, he succeeded. When in 1890 the young Emperor William II, 'dropped the old pilot', Germany was united in a triple alliance with Austria and Italy, she was 'reinsured' with Russia, England was less unfriendly to

¹ For details of the *Bundestag*—a powerful and interesting body—cf Marriott, *Second Chambers*, c vi

Germany than to France; France was estranged from Italy, and not yet allied with Russia.

By 1907 the whole diplomatic face of Europe was transformed: Germany was encircled. France was in firm alliance with Russia; England had concluded agreements with France and with Russia, not to mention an alliance with Japan; Italy, though still nominally a member of the Triple Alliance, was evidently hostile to one of her partners. This diplomatic revolution was due to the growing ascendancy of the naval and military cliques at Berlin, to the sabre-rattling of the Emperor, and to the extraordinarily clumsy diplomacy of his Ministers.¹ It issued in the clash of 1914

In the World War Germany was defeated by a combination which not even her might and courage could resist. The legend is now widely accepted in Germany that she was never defeated in the field, but that her surrender was brought about by defeatists, Communists, and Jews at home. It is a grotesque travesty of the facts, but none the less may perhaps serve its purpose.

For the post-war period a bare summary of dates must suffice. The defeat of Germany involved the sudden collapse of the Empire. On 13 August 1918, Ludendorff informed the Kaiser that the War could not be won. On 30 September the Kaiser made a death-bed repentance, and announced the concession of a complete Parliamentary Constitution to Germany. On 4 October Prince Max of Baden was induced to take office as Prime Minister in a Coalition Government. 'The fundamental rights are transferred from the Kaiser to the people. The function of the Kaiser is to save the people.' So ran the Kaiser's proclamation. The joyless performance of that function was not unduly prolonged. On 28 October the Kaiser left Berlin for the Army Head-quarters at Spa. He has never seen his capital again. On 3 November the Fleet mutinied at

¹ On this see Brandenburg, *From Bismarck to the World War* (Eng trans Oxford, 1927), and the great collection of German documents (*Grosse Politik*) on which he relies

Kiel and hoisted the Red Flag. The revolution spread to Hamburg, Bremen, and Lubeck, and thence to inland cities. On the 7th a Republic was proclaimed at Munich and two days later at Berlin, where Prince Max was required to hand over the Government to the ex-saddler Ebert. At last the Kaiser realized that the Army and Fleet would neither fight the enemy abroad nor the republicans at home. He fled to Holland, but not until the 28th did he announce his formal abdication. By that time the Armistice had been signed, and not a throne was left standing in Germany.

Amazing in its swiftness and completeness was the collapse of the Second *Reich*. 'The military defeat of militarism was', says a responsible German writer, 'the cause of its political dethronement.'¹ That is the simple truth.

The Republic had now to establish its position against a Communist party (the *Spartacists*), encouraged and sustained from Moscow. It had no armed force at its command, but thanks to the courage of President Ebert and with the help of Gustav Noske at the head of a volunteer force, it broke the Communist party after a week's battle (5-12 January 1919) in Berlin. The Communist leaders, Liebknecht and Rosa Luxemburg, were taken prisoners and killed on their way to prison.

On 19 January 1919, elections were held throughout Germany for a Constituent Assembly which met at Weimar on 4 February. The Provisional Government resigned its power into the hands of the Assembly, which elected Ebert President of the Republic, and installed a Coalition Government—predominantly of the Left Centre—in office. Noske was entrusted with the task of Home Defence. He did his work manfully. General strikes were broken in the Ruhr, in Westphalia, and in Berlin, and a Soviet Republic proclaimed in Munich in April was after a very brief existence, suppressed. By the summer of 1919, the authority of the Republic was established, but at the cost, it was alleged, of 15,000 lives.

¹ Ernest Jäckh, *New Germany*, p. 28

While the Assembly was hammering out a Constitution at Weimar the Allies were formulating their terms in Paris. On 7 May those terms were presented to the German delegates, and at 5 p.m. on 23 June were accepted, but only under the threat that at 7 p.m. the Armistice would be denounced. There are those who think that it had been better for Europe and for Germany herself if the Armistice had been denounced and an Allied Army had marched to Berlin—a view for which, in retrospect, there is much to be said.

The work of Constitution-making was completed by 31 July, and on 14 August the Weimar Constitution came into force. It was a remarkable achievement.

Germany was to remain technically federal, but under the government of a Parliamentary Republic, much more centralized than the Empire had been. The President was to be directly elected for a term of seven years, but he was to act on the advice of a Ministry responsible to the Legislature, and his powers generally were to resemble those of a French more nearly than an American President. The Legislature was to consist of two Chambers: a *Reichsrat*, representing the old States, now *Länder*, and a *Reichstag* elected on the basis of adult suffrage by the method of Proportional Representation. The sovereignty of the people was recognized by the provision for the *Referendum* and the *Initiative*. Side by side with this political machinery there was set up a Federal Economic Council, not unlike the National Council of Corporations now established in Italy. This Council was to represent the organizations of employers and employed in industry, commerce, &c., as well as the State, and to act as a sort of Economic Parliament in subordination to the Federal Legislature.

In the Weimar Constitution German democracy reached its high-water mark. Nor, on paper, could anything better have been devised. Nevertheless it functioned indifferently. Proportional Representation resulted in the return of no fewer than ten parties. A strong Executive, indispensable to national recovery, was thus made impossible. In eleven

years (1918-29) there were nineteen changes of ministry. But the chief among other reasons for the failure of the Weimar Constitution was the lack of the 'political sense' among the German people, and the inadequacy of their apprenticeship to the difficult craft of self-government. Apart, however, from this, the parliamentary experiment was tried under circumstances inimical to success. The grotesque figure at which reparation payments were fixed, the currency chaos due to inflation, the French occupation of the Ruhr, alternate threats to the Republic from Communists and Nationalists, the murder of good citizens like Matthias Erzberger and Walter Rathenau—these things would have strangled, at the birth, any infant Constitution.

Nevertheless from 1923 to 1929 there was a definite and remarkable recovery. Dr. Stresemann, at the Foreign Office, re-established the international credit of his country. Thanks to him, to Sir Austen Chamberlain, and to Aristide Briand, the Locarno Pact was concluded (1925); Germany entered the League of Nations (1926), and signed the Kellogg Pact (1928). Dr. Luther and Dr. Schacht had stabilized the currency in 1923; the Dawes Committee had produced a workable scheme for reparations (1924); by 30 June 1930, the last man of the Allied Army of Occupation had left German soil. Hope had revived.

In October 1929, however, Germany had lost the one great statesman of the post-war period. Dr. Stresemann's premature death was an irreparable disaster for his own country, and indeed for Europe. Financial and commercial recovery was suddenly arrested by the onset of the economic blizzard (1930-1), and by the middle of 1931 Germany was once again plunged into chaos.

Chaos gave a chance to a young party which had come recently to the front under an intrepid leader. He seized it. In a contest for the Presidency in April 1932, Adolph Hitler, ex-corporal, polled 13,500,000 votes against Field-Marshal von Hindenburg. Within a year Hindenburg was constrained to accept his defeated opponent as Chancellor (January 1933).

Born in Vienna, in humble circumstances, in 1889, Herr Hitler migrated in 1912 to Munich and fought during the War in a Bavarian regiment, in which he attained the rank of corporal. Vienna had bred in him a hatred for the Jews, Marxists, and international financiers, who abounded in that capital. After the War Hitler developed strong nationalist and racialist opinions. A 'gang of criminals had laid hold upon the Fatherland', had 'stabbed it in the back' and done the dirty work of the Allies. Joining the German Workers' Party (then numbering seven members), Herr Hitler rechristened it the *National-Socialistische Arbeiter-Partei Deutschlands*, discovered in himself a genius for oratory, and led to victory the *Nazi* party. In the election of May 1928, while Stresemann was in power, they won only twelve seats, but in September they won 107, and in July 1932, 230. They had still no absolute majority in the *Reichstag*, but in January 1933, President Hindenburg, having dismissed Dr. Brüning and replaced him first by Captain Von Papen and then by Von Schleicher, was at last compelled to accept Adolph Hitler as Chancellor.

A new *Reichstag* elected in March 1933 virtually superseded the Weimar Constitution, and vested supreme power in the Chancellor and his Cabinet. An Enabling Act empowered the Executive to legislate by Decree; the Provincial Diets were abolished and the *Länder*—the old States—were put under governors responsible only to the Government of the *Reich*, in a word, to Herr Hitler. The death of President Hindenburg on 2 August 1934 permitted Herr Hitler to assume a Dictatorship, which was approved, on a plebiscite, by 90 per cent. of the electorate.

To pass judgement on events so recent, still more to predict even the immediate future, is beyond the province of the historian. The view taken by a competent observer who has recently visited Berlin, is as follows.

'National Socialism is the outcome of four years war, the Ruhr, inflation, and two revolutions in twenty years. It is harsh, brutal, ruthless. . . But it has been strong enough to give Germany unity where it was terribly divided, to produce

a stable government in place of weak and unstable governments, and to restore to Germany national self-respect and international standing.’¹

That is high and, from an ardent Liberal, striking testimony to a remarkable achievement.² A great people, sorely stricken, deeply humiliated, has been inspired with a new faith and fresh hope. This is unquestionable; and it is no small thing. But was it necessary, in order to achieve this result, to excite racial passions, to exploit legendary history and questionable philosophy, to go back to Nietzsche and Wagner, to de Gobineau and Houston Stewart Chamberlain, to persecute Jews and drive into exile some of the best brains in Germany, to carry through the ruthless ‘clean-up’ of June 30, to offend the religious convictions of great bodies of German Protestants, and provoke a conflict with some of their most devoted Pastors? These are matters on which foreign observers may well hold strong opinions, though the less they ventilate them the better it may be for good neighbourly relations.

International policy is a different matter. In regard to Herr Hitler’s relations with other countries reticence is impossible. That a strong case has arisen for the revision of certain clauses of the Treaty of Versailles, that Germany cannot be expected permanently to acquiesce in the position of inferiority assigned to her by them, is generally admitted. Moreover, the German people, true to their traditions, may well believe the surest and speediest way to revision is for Germany to ignore the Treaty, and to enter into negotiation with its signatories with a *fait accompli* behind it, and in the conscious strength of unauthorized rearmament. But those who desire to see Germany restored to her appropriate place in the society of nations should be the first to warn Herr Hitler to walk very warily in international affairs, and not

¹ Lord Lothian, ‘after long conversations with Herr Hitler’ and other leading men in Germany, ap *The Times*, 31 Jan and 1 Feb 1934.

² Against it must be put the opinion of Mr Wickham Steed (perhaps the greatest authority in England on German politics) as expressed in *Hitler Whence and Whither*, and *The Meaning of Hitlerism* (1934), and Prince Loewenstein, *The Tragedy of a Nation* (1934).

to presume overmuch on his remarkable success in domestic politics. If among his advisers he can count on a Talleyrand let him give heed to his counsels. Had Napoleon listened to the sagacious advice of that shrewd diplomatist his dynasty might still be occupying the throne of France. In arrogance he spurned the counsels of prudence; disaster followed on disaster; and the end was St. Helena.

Herr Hitler's position to-day is, as far as a foreigner can judge, very strong. On him, more perhaps than on any other individual, the peace of Europe in the days immediately ahead depends. If he uses the dictatorial power vested in him by his countrymen to promote a permanent accord among the nations, his neighbours will have no cause to regret the establishment of Dictatorship in Germany.

XVII. EPILOGUE

A BOOK that deals with contemporary history must, of necessity, leave many ragged edges. That is pre-eminently true of the later chapters of the present work. Dictatorship is once more on its trial. Judgement on recent experiments must consequently be suspended. But the survey attempted in the preceding pages would seem to suggest certain reflections, if not to enforce any positive conclusions. The first is that, of all forms of government, Dictatorships and 'Tyrannies' are the least enduring. The office in the Roman Republic from which the title derives was limited by law to six months. In the decadence of the Republic the office was, indeed, conferred upon Sulla and upon Julius Caesar for life, but the title, nevertheless, continues to connote an emergency origin and a limited duration.

All Dictatorships, Monarchical or Republican, Proletarian or Fascist, have the first of these characteristics in common. All are the product of some great emergency in public affairs. The World War enforced the truth, already suggested by its defeat at the hands of Japan, that Russia was a Colossus with feet of clay. Even if victorious in the War, Russia could hardly have escaped revolution, but revolution might not have issued in the Dictatorship of the Proletariat. As things were, long-pent-up indignation against an Oligarchy, at once corrupt and inefficient, combined with crushing military defeat to give the Communists their chance. They seized it. the existing Dictatorship is the result.

The Hitler Dictatorship in Germany is of a totally different character. It justifies itself to Germany and to Europe as a bulwark against Bolshevism. But even more conspicuously than the Soviet régime is Hitlerism the outcome of the World War and its *sequelae*. In 1919 Germany picked up the threads dropped in 1849 at Frankfort. The Frankfort Parliament would have transformed the Germanic Confederation into a Parliamentary Democracy.

under an hereditary but 'constitutional' Monarchy. The Constitution devised at Weimar provided for a Parliamentary Democracy on the French rather than the English model, while retaining that federal element of which the French, even more conspicuously than the British, Constitution is innocent. Down to 1929 the Weimar Constitution, though not a vigorous infant, had a reasonable chance of surviving. The death of Dr. Streseman, so soon followed by the economic blizzard, extinguished the vital spark. Herr Hitler found his chance in the chaos and crisis that ensued. He seized it. His Dictatorship is the outcome of an emergency.

The circumstances of Italy in 1919 were not unlike those in Germany in 1930-3. Society seemed in imminent danger of disintegration. Not only had the War left behind it, in Italy as elsewhere, a terrible legacy of suffering, but the Peace had cruelly disappointed expectations. Bolshevism threatened the social structure; the parliamentary experiment was discredited. To Italian traditions Dictatorship is less alien than representative Democracy. Signor Mussolini, avoiding the crimes of a Sulla and recalling the memory of a Caesar, makes to the minds and hearts of the Italians an appeal far more direct and effective than was ever made by parliamentary politicians like Depretis and Giolitti. But whether anything less potent than the post-War crisis would have availed to sweep away the parliamentary régime and open the way to a Dictatorship must remain uncertain. In Italy, however, as in Russia and in Germany, Dictatorship is clearly the product of a critical situation in affairs—the appropriate expedient wherewith to meet an emergency.

Still more emphatically is this the case in Turkey. The Young Turks had, it is true, assailed the autocracy of the Sultanate as far back as 1908. They had proposed to transform the Ottoman Empire into a modern European State, with a genuine Parliamentary Constitution, a free Press, an advanced system of education, religious liberty, and so forth. What the Young Turks proposed, Mustapha

Kemal has accomplished, and much more, but with Dictatorship in place of Parliamentary Democracy. Even so severe a critic of Dictatorship as Count Sforza can make an exception in favour of Mustapha Kemal, and he makes it on two grounds: that the Turkish Revolution was 'a genuine happening, devoid entirely of the artificial characteristics of other nationalistic movements', and that Kemal has remained faithful to the policy of 'complete renunciation of any Osmanlı idea of domination over non-Turkish peoples'. Yet the Kemal Dictatorship has involved revolution and reconstruction far more drastic than any other of the post-War dictatorships except that of the Proletariat in Russia.

Mustapha Kemal, unlike the Dictators of Germany and Italy, is a great soldier but like them he is endowed with the magic gift of eloquence. He possesses also, in the highest degree, the gifts of constructive statesmanship. The result of his efforts is a new Turkish State—entirely modern in political, ecclesiastical, and social structure. The substitution of the 'bowler' for the fez is symptomatic of the revolution effected by the Gazi. To abolish the Sultanate and the Khalifat was an easy task compared with the emancipation of Turkish women. Education has been westernized, the professions have been opened to women, dancing has been encouraged, and Asiatic Turkey has made a start with industrialization, the number of factories having increased since 1919 from 150 to 2,000. To encourage home production a high tariff has been imposed, the Gazi having accepted and enforced, in all its implications, the theory of economic nationalism. But in Turkey, as elsewhere, it was the World War and the terms which by the Treaty of Sèvres the Allies sought to impose upon Turkey, in which the Dictatorship originated. As a fact the Treaty of Sèvres was abortive: the Angora Government never accepted it, and after the Greek débâcle in 1922 and the Chanak crisis, it was the Turks who dictated and the Allies who had to accept the Treaty of Lausanne¹ (1923).

¹ This is put rather strongly. For details see Marriott, *A History of*

Modern Dictatorships, then, true to type, in accord with classical precedents, owe their origin to emergencies. Are they, likewise, limited in duration? That question no man can as yet answer. *Respice finem* is a sound canon of historical criticism. It is not in contemporary cases capable of application. In the case of the English Dictatorships it is. The Tudor Dictatorship lasted for exactly a century. The defeat of the Spanish Armada (1588) quite definitely announced that the emergency which had called the Dictatorship into being had passed away. Parliament realized the fact; the Queen realized it; but, as the Apology of 1604 made plain to James I, Parliament deliberately postponed the determination of the Dictatorship until the old Queen's days were ended.

One feature of the Tudor Dictatorships needs, once again, to be emphasized: it was based not on force but, generally speaking, on consent. The Tudors had no overwhelming military force at their command. Cromwell, on the contrary, had. His Dictatorship was evidently demanded by the circumstances of the hour, but it was none the less based upon his Ironsides; it endured only so long as he lived to command them. But the outstanding characteristics of both the English Dictatorships is this: they were educative; they prepared the ground for that rapid development of self-government which, in both cases, followed immediately upon the determination of the Dictatorship.

Will the Dictatorships analysed in preceding chapters react successfully to the same crucial test? It is impossible to say, and futile to predict. The Constitutional historian must needs suspend judgement. But the analysis may claim to have reinforced certain axioms tentatively affirmed in the Prologue. Of these, the most important is the truth on which Aristotle was the first to insist—that the conclusions of political science are not absolute, but relative. Forms of Government must be judged by circumstances

Europe, 1815-1923, 2nd ed., c. xxvii, and Harold Nicolson, *Curzon—the Last Phase* (1934). For the achievements of the Dictatorship of İktbal Ali Shah, *Kemal, Maker of Modern Turkey*, c. 16, for a sketch of Kemal's personality, Armstrong, *Grey Wolf*.

There is no absolutely 'best' form of Government. That Constitution is best which at any given moment, in any particular country, most effectively contributes to the end for which all governments exist. Stated in general terms, that end is the well-being of the governed. The State exists, as Aristotle maintained, to enable the individual to live the highest life of which man is capable; and 'those may be expected to lead the best life who are governed in the best manner of which their circumstances admit' (*Politics*, vii 1. § 1). 'The greatest happiness of the greatest number' was Bentham's famous formula. But does 'good government' contribute to that end? It is not disputable that Lombardo-Venetia was the best-governed province of Italy in the period 1815-59. Did the Austrian rule make for the greatest happiness of the greatest number? Were the Lombards happier than the Neapolitans—notoriously the 'worst'-governed people in Italy? Ireland was, perhaps, 'better' governed during the Salisbury-Balfour régime (1886-1905) than at any other period in its history. Mr. (Viscount) Bryce, who took office as Chief Secretary in December 1905, admitted that Ireland was then more peaceful and more prosperous than it had been for six hundred years. Mr. John Redmond (in 1915) enumerated in detail the blessings which Ireland enjoyed: Did peace and prosperity make for 'happiness'? That happy people took the first convenient opportunity (1916) of rebelling against the Government which had conferred upon them those blessings. Similar examples might be indefinitely multiplied. What a commentary they supply on Pope's complacent couplet!

For forms of government let fools contest;

Whate'er is best administered is best

Doubtless in the eyes of the political philosopher the Lombards and Venetians who sought, in 1848, to cast off the Austrian yoke, the Irish who rebelled in 1916, were 'fools'. Evidently good administration did not bring them 'happiness'. Is the Bosnian better governed to-day than he was by the Austrians from 1878 to 1914? The facile

¹ See Marnott, *Modern England*, pp 338-9

answer has passed into an aphorism: 'Good government is no substitute for self-government.' The Russian peasant to-day knows neither self-government nor good government. But may he not be wise to endure tribulation for a while in order presently to enter into the Marxist paradise? Perhaps. But it is difficult to believe that the Kulak, or even the ordinary peasant, will ever be reconciled to the Dictatorship of the urban proletariat by any prospective advantages which Moscow can offer to him. If Moscow could hold out a hope of village autonomy and individual ownership of the soil and the fruits thereof, the peasant might acquiesce in a remote Dictatorship. No such prospect is held out to him. He is to-day compelled to surrender all that he cares for in order to achieve two objects: first, to vindicate the truth of an economic and social theory in which he does not believe, or of which probably he has never heard; and, secondly, to supply the industrial towns with grain sufficient in amount to secure the success of the Plan to which his rulers are pledged. Why should he be expected to acquiesce?

But illustrations, even though pertinent, must not be permitted to divert us from the main line of the argument. Forms of government are to be judged not absolutely, according to some preconceived standard of excellence, but relatively to circumstances

Adhesion to that canon will in some measure account for the phenomenon examined in the opening pages of this book, the break-away of the world from Democracy, and in particular from that species of the genus which was supposed to embody the accumulated wisdom of the ages. Earl Russell, writing in 1865, felt it 'hard to believe, in this age of the world, that there are any models of government still untried, promising a cup of felicity and freedom which England has not tasted'.¹

That the sentiment did credit to the patriotic pride of Lord Russell is undeniable. but what is more noteworthy is that, at the time, it reflected the prevailing opinion of

¹ *English Government and Constitution*, p. 240

the progressive thinkers of the world The balanced Constitution of England appeared to mankind to be the quintessence of political wisdom. Admiration, however, is one thing imitation is another. The results of attempted imitation have been disclosed in preceding chapters Yet there is no reason why the failure of the copyists should arouse among ourselves dissatisfaction with the original. Still less should it dispose us to deride the attempts of our neighbours to correct the errors arising from ill-timed imitation Some of these neighbours have, like the English people in the fifteenth century, been trying to run before they learnt to walk. They are now paying the penalty for a mistake not entirely discreditable to them, and by no means unflattering to us. The tone of pitiful contempt, of critical superiority, not uncommon among English critics when commenting on the political experiments of their neighbours, is as inappropriate as it is unmannerly. Attention to the law of relativity should save us from the pitfall of ignorant censoriousness

It is conceivable that we may have something to learn from the neighbours we condemn. Not that a Dictatorship either of the Right or of the Left is likely to be preferred in this country to the middle path of Parliamentary Democracy Hitherto we have, indeed, been singularly fortunate in the avoidance of extremes.

For in some soils Republics will not grow,
Our temperate Isle will no extremes sustain
Of popular sway or arbitrary reign.

Dryden, the Laureate of the Restoration, could joyfully affirm, after the storms of the Civil War, that

The wholesome tempest purges what it breeds,
To recommend the calmness that succeeds.

Similarly, the Victorian Laureate, in his apostrophe to Freedom prayed

That her fair form may stand and shine,
Make light our days and bright our dreams,
Turning to scorn with lips divine
The falsehood of extremes!

From that falsehood we have thus far been saved. The Ship of State has not escaped violent storms; it has at times been severely battered; but it has always righted itself and pursued its voyage on an even keel. Thus the English people have come to regard themselves, not merely as the fortunate possessors of a rich heritage of Order and Freedom, but also as trustees of a property to be held for the common benefit of mankind. They hold themselves to be charged with a unique responsibility—to be stewards, in a special sense, of the mystery of government. If stewards indeed they are, it is required of them that they be found faithful. The fruits of Freedom, hardly won, may not, without grave and anxious deliberation, be dissipated even to purchase Order; nor may the blessings of Order be surrendered in vain pursuit of the shadow of Freedom

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PRINTED IN
GREAT BRITAIN
AT THE
UNIVERSITY PRESS
OXFORD
BY
JOHN JOHNSON
PRINTER
TO THE
UNIVERSITY

